California Journal

The Monthly Analysis of State Government and Politics

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The dynamic duo: BROWN and ROBERTI

New leaders for a jittery Legislature

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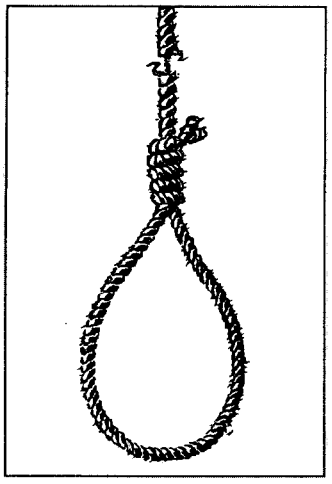
Personal
PERSPECTIVE
By Ed Salzman

The lessons of 1980



The defeat of state Senator Albert Rodda of Sacramento and Congressman Lionel Van Deerlin of San Diego sent shock waves through the California political community. Both represented historically solid Democratic districts. Rodda was probably the single most respected member of the Legislature. Van Deerlin had earned a national reputation for his expertise on communications law and was expected to retire in 1982 with head held high.

If a Rodda and a Van Deerlin can be defeated, is any elected officeholder safe? Or can their demise simply be cast aside as a fluke caused by the Reagan landslide and the fact that many voters stayed away from the polls because the outcome of the presidential election was known so early?

The statistics make it quite clear that Rodda and Van Deerlin lost because of local factors bearing no relationship to presidential politics. John Doolittle beat Rodda by 8,000 votes, and Duncan Hunter whipped Van Deerlin by almost 10,000. Rodda and Van Deerlin lost because they didn't take their opponents seriously enough and didn't woo the voters hard enough. Every politician in California should learn these lessons from the defeat of the veteran Democrats:

- Just because a legislator is a big shot in the Capitol, he or she is still just an ordinary politician to the average voter. In fact, it may hurt a politician to rise into a leadership post; he or she will get more of the blame when the masses get hungry.
- A politician should never assume that just because he or she is praised by the local newspapers that the electorate will agree. Newspaper endorsements are relatively unimportant in determining the outcome of partisan elections.
- No elected official should ever assume that re-election will come easily even in districts with lopsided partisan registration statistics. (Rodda's district was 57-31 Democratic, Van Deerlin's 55-30.)
- A constituency should never be taken for granted, especially in areas of high residential turnover. Although Rodda served as chairman of the Senate Finance Committee and had been in office for two decades, he was virtually unknown in half his district.
- A politician must never assume that an opponent's philosophy is out of step with a district. Rodda's Sacramento voters were assumed to be reasonably liberal but they bought Doolittle's hard-right approach.
- In the era of media hype, old-fashioned campaigning can endanger an incumbent. While Van Deerlin was planning for one last term, Hunter was out in the neighborhoods knocking on doors and making himself known. By the time Van Deerlin realized the impact of the Hunter door-to-door campaign, he was unable to mount an effective counterattack.
- Party loyalty is disintegrating in California. Politicians need to build personal reputations with the voters and cannot depend on party affiliation to get themselves re-elected.

The growing undependability of the California voter cost Rodda and Van Deerlin their jobs in 1980. Any incumbent who fails to learn from their demise could follow them into political retirement in 1982.

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PRESIDENT AND PUBLISHER
Thomas R. Hoeber

EDITOR
Ed Salzman

MANAGING EDITOR
Alice Nauman

ART DIRECTOR
Chris Van Overloop

WASHINGTON CORRESPONDENT:
Leo Rennert

CONTRIBUTING ARTISTS:
Grace Mateu, Paul Duginski, Carl Muecke

CIRCULATION MANAGER:
Barbara Aguirre

STAFF: Hope Tuttle, Sandi M. Wolff, Terry Bailey

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AUDITORS: Arthur Young & Company.

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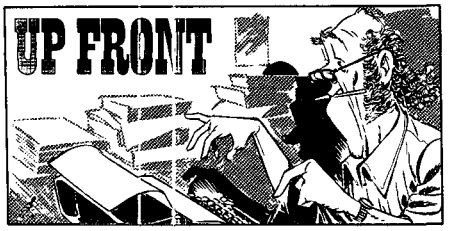

The late Ed Pauley once defined a monopoly as "anything I don't own a piece of." The Rose Institute at Claremont Colleges seems to be taking the attitude that the only fair reapportionment plan will be one drawn by The Rose Institute.

Hispanic groups are eyeing the districts of Congressman George Danielson and Assemblywoman Sally Tanner for the 1982 Democratic primary.

A trial balloon is being floated in some of the Sacramento pubs for a gubernatorial race by the colorful B. T. Collins, head of the California Conservation Corps. Collins is a glib and handsome Irishman who lost an arm and a leg in Vietnam. The problem is that he's a Republican, while almost all his political friends are Democrats.

This was a poor year for women in California politics. The ranks of females holding national and state elective office grew only by two (one congresswoman and one more assemblywoman).

Among those re-elected, unexpected signs of weakness were shown by Democratic Congressman Pete Stark and George Brown, Democratic Assemblyman Leroy Greene and Republican Assemblyman Bill Ivers.

Elizabeth Snyder of Los Angeles, long active in Democratic Party affairs, is trying to promote an initiative that would prevent candidates from shifting money from one campaign to another. Her plan also would require that politicians turn over campaign funds to the government when they leave office instead of converting them to private use.

Champion vote-getters of 1980, based on percentage of the vote over district party registration: Congress — Democrat Leon Panetta (plus 22) and Republican Robert Lagomarsino (plus 41). State Senate — Republican Bill Campbell (plus 35) and Democrat Rose Ann Vuich (plus 18). Assembly — Republicans Phil Wyman and Charles Imbrecht (both plus 31) and Democrat Richard Robinson (plus 16).

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How legislators have changed since the passage of Proposition 1A

Back in 1966, California voters were promised that they would get a higher-caliber Legislature if they would approve Proposition 1A which raised lawmaker salaries from $6,000 a year to $16,000 a year. The measure was adopted by the electorate, and salaries of lawmakers have been raised periodically since that time. The Legislature now operates on an around-the-calendar basis, much like Congress. But the question remains: Did the voters buy a better quality Legislature?

A statistical comparison of the Legislature in office at the time Proposition 1A was proposed with the 1980 Senate and Assembly would indicate that some significant changes have been made. But they are not easily explained by the passage of the proposition. Perhaps an even more significant factor was the forced reapportionment of the legislative districts along one-man, one-vote lines. This produced wholesale changes in the state Senate and produced a whopping turnover in membership overnight. Nevertheless, here are some of the conclusions that can be drawn from a comparison of the two Legislatures:

The number of women has increased significantly. Until four years ago, no woman had ever served in the Senate; now there are two. In 1965, only one woman — Pauline Davis — served in the Assembly; last year, there were nine. The main reason for the change has been increased political activity on the part of women, rather than any alteration in the operations of the Legislature.

The change in the apportionment of the state Senate has given minorities much more representation. In 1965, the Senate was as Caucasian as it was male. In 1980 five of the 40 senators were either Hispanic or black. Minority representation also increased in the Lower House but not so dramatically.

The Legislature has not become any younger, although the average number of years in office has been declining. The statistical comparisons show that there is virtually no change in the average age of lawmakers. Why a greater rate of turnover, when Proposition 1A was supposed to provide a better legislative home for politicians? One reason is that there has been a heavy exodus of senators in recent years, mostly for personal reasons. This has had a ripple effect on the Assembly, with Lower House members moving across the Capitol.

There has been a marked increase in the number of full-time legislators. Back when the Legislature met each year for a relatively short time and salaries were only $6,000 a year, very few lawmakers could survive without another occupation. But today, the total compensation package is probably worth $50,000 or so a year, and legislators don't have much time for outside activities. As a result, about a third of the members of the 1980 Legislature considered elected office their full-time job. As a result, the number of lawmakers listing their occupation as attorney, businessman or farmer has declined.

This article was researched by Van Ajemian, a law student at UCLA.

Legislators today are somewhat better educated than they were 15 years ago. Most of the members of both the Senate and Assembly have always been college-educated. The main trend that has developed over the past 15 years has been an increase in the number of members with master's, doctoral and professional degrees.

More than half the members of the Senate have moved up from the Assembly. The reapportionment of 1966 gave many more members of the Assembly a chance to run for the Senate. Prior to that time, Los Angeles County had only a single senator. An Assembly member has a built-in advantage running for a Senate seat because he or she already represents half the district. The main reason why Assembly members covet seats in the Senate is the four-year term and the possible shot at statewide office without risking loss of office.

The statistics show that the Legislature has undergone some changes of profile over 15 years. But is it any better? There is no numerical answer for that question. In the final analysis, the quality of a Legislature is a subjective judgment that is based on whether the citizen agrees or disagrees with the laws it produces.

15-year Statistical Profile

The following comparative numbers show how the state Legislature has changed — or remained the same — over the past 15 years:

Senate 1965	Senate 1980		Assembly 1965	Assembly 1980
		Sex		
39	37	Men	79	71
0	2	Women	1	9
		Minorities		
0	3	Hispanic	1	3
0	2	Black	4	6
0	0	Asian	1	2
		Age		
33	30	Youngest	29	26
70	70	Oldest	66	67
51	52	Average	46	46
8.1	6.8	***Years in Office***	6.7	5.1
		Occupation		
2	12	Full-time legislator	4	26
16	13	Attorney	30	18
16	9	Business/farming	28	24
		Education		
3	0	High school only	6	6
14	13	Bachelor's degree	29	25
19	25	Advanced/profession degree	34	44
		Former offices		
12	23	Assembly	——	——
11	5	Local government	17	29

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I want five committee chairmanships; I want the power to remove Republicans from committees; I want proportional representation on committees; I want a Republican vice-chairman for every Democratic chairman; I want the Rules Committee to assign bills . . .

The powder-keg speakership: How long can Brown hold it?

By ED SALZMAN

Just 10 years ago, dynamic young Assemblyman Willie L. Brown Jr. of San Francisco was carrying on an aggressive campaign to replace Jesse Unruh as minority leader in the Assembly. Brown, who started as the front-runner, overplayed his hand. Some of his Democratic colleagues found themselves accused of racism because they were not supporting Brown for the Democratic leadership. The anti-Brown forces then chose an obscure black back-bencher from Berkeley, John Miller, to speak for the party on the Assembly floor. The day after Brown's defeat, he could be seen in his seat at the side of the Assembly chambers energetically writing notes to many of his colleagues. The message was clear: Brown had lost the battle and he wanted their support in the leadership wars to come.

Four years later, Brown's buddy, Bob Moretti, elected to run for governor and vacate the speakership. Brown again was the early leader. But he again offended some of his colleagues, most significantly blacks and Hispanics, and lost the powerful post to his rival from San Francisco, Leo McCarthy.

Brown didn't make the same mistakes this year. He positioned himself carefully so that he might pick up the pieces from the titanic struggle between McCarthy and his challenger, Howard Berman. Brown was the natural beneficiary of the support from his newfound friend McCarthy. The key question was whether Berman could put together 41 votes or whether the chemistry was right for a Brown compromise. As it happened, Berman failed to bring the McCarthy forces around, and the Republicans were prepared to take almost anyone but Berman as speaker. So after two failures running from the front of the field, Brown found that he could win a race by working his way through two lead horses to beat them at the wire.

An unstable situation

But what did Brown win? To be sure, he is the speaker of the Assembly. But it is a speakership with relatively little power and which cannot endure unless Brown manages somehow to heal the rift between the former Berman and McCarthy forces. He is sitting atop a powder keg and cannot afford to allow even a long fuse to be lit. Here are the factors that contribute to the unusual and unstable leadership situation in the Assembly:

- **Brown was elected** without majority support of the Democratic caucus, which split 23 - 23 (with Tom Hannigan of Fairfield refusing to support either candidate). Brown received 28 votes from Republicans, who hardly

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agree with him on issues and who saw him as an alternative to the dreaded Berman. This means that Brown must rule by consensus — a difficult task even for a legislator with his considerable skills.

- **Berman still retains** strong backing and will be ready to pounce at any time Brown displays vulnerability. Berman's ability to win district elections in the southern part of the state is legendary. He can make many a Brown supporter from the south extremely worried as the 1982 elections approach.
- **The Republican caucus** is not exactly solid and Brown's partner, Carol Hallett, has troubles of her own. How can Brown and Hallett retain their marriage of convenience in 1982, when they presumably will be competing with one another in marginal districts?
- **Governor Brown** was a not-so-secret Berman supporter. This means that there is bound to be a great deal of tension between the two Browns on measures dear to the administration. The governor is more apt to seek help in the Senate. (Incidentally, the identical last names of the speaker and the governor will give reporters and headline writers fits. The speaker distinguishes himself from the governor by calling himself "the good Brown.")
- **Even before the vote** was taken, "Brown the Good" had agreed to weaken the power of the speakership. He turned over the assignment of bills to committee to the Rules Committee and agreed to let the GOP leadership appoint Republicans to minority positions on committees.
- **This is a** reapportionment year. Is it possible to develop a non-partisan redistricting bill that will be acceptable to the Senate and the governor? Even in the most normal of situations, reapportionment is extremely difficult to accomplish because the political career of virtually every member of the Legislature can be on the line. If the Brown-Hallett coalition survives reapportionment, it will be the political miracle of the era.
- **And what about** the budget, traditionally the subject of partisan conflict (most of it cosmetic and for public consumption)? This is a year in which extremely difficult fiscal decisions must be made. Will Brown and Hallett bring the liberals and conservatives together under the same roof on that? If so, it will be the second miracle of the era.

Charismatic, capable

The charismatic Brown has long been judged one of the most capable members of the Legislature. The 46-year-old native of Mineola, Texas, became a major force in the Assembly virtually from the day he arrived in 1965. He was a protege of Congressman Phil Burton and at first was a member of the small anti-Unruh group in the Legislature. He later became a close associate of former Speaker Bob Moretti. Under Moretti, Brown served as chairman of the powerful Ways and Means Committee. He displayed an ability to select outstanding assistants, including Sacramento Mayor Phil Isenberg, a willingness to work long hours, and the knack of arranging the workload of the committee in an efficient manner. Because of his sharp wit and dramatic flair, committee sessions were always well worth attending — as will be the sessions of the Assembly under Brown.

He recognizes that he cannot run the Assembly under an imperial speakership as in the days of Unruh and Moretti. The power of the office had already started to erode under McCarthy, and Brown was forced to weaken it much further in order to win over the Hallett Republicans. Actually, Brown could never have won the job had not the GOP and some Democrats been so fearful of Berman, who emerged from last November's election with the upper hand.

It appears almost incredible that the conservative Republicans would anoint a black liberal from San Francisco in a year in which the state and nation took a definite turn toward the right end of the political spectrum. Imagine the depth of negative feeling about Berman that permitted a conservative from the Southern California heartland to vote for Brown. The GOP felt it could work with Brown, who apparently would take the speakership at almost any price. But Berman posed a double threat to the GOP: He had a reputation as an expert on reapportionment, and he had already proved that he knew how to beat incumbent Republicans. Furthermore, he had close ties to Governor Brown and Controller Ken Cory — and Cory is seen as a possible barrier to the Republicans' winning the governor's office in 1982. As speaker, Berman could mold the Democratic Party into a fighting force unprecedented in the history of California. Any other Democrat would be preferable to Berman.

Nevertheless, Berman still might have won the speakership had he been willing to share the wealth with the McCarthy camp. But he chose to keep most of the plums for his own loyalists. As a result, there were defections — notably of Richard Alatorre and Art Torres — to the "compromise candidate," Brown. When the Democratic caucus met, Berman could not produce a majority of 24, and that meant Brown was free to cut his deal with the Republicans without appearing to go against the wishes of his own caucus.

Torres and Alatorre were in the McCarthy camp a year ago. They switched to Berman at the urging of Cesar Chavez. But they went over to Brown despite criticism from Chavez, who views Hallett as the leader in the anti-farm worker movement in the Legislature. Brown rewarded Alatorre with one of the most important assignments of the year, chairmanship of the Elections and Reapportionment Committee. Now, Torres and Alatorre can tell their constituents that their move will guarantee maximum representation for Hispanics.

The speakership of the Assembly has often been called the second most powerful post in state government. This was based on the interplay between the two main functions of the speaker — assignment of members to committees and assignment of bills to committees. But now Brown has given up the second power and part of the first. In recent years, the Assembly has been the dominant force in the Legislature. This could be the year in which it is the Senate that provides most of the initiatives on major issues.

Vote for Speaker

Here is how the Assembly lined up in the speakership contest between Willie Brown and Howard Berman:

Brown (51) — *Democrats:* Agnos, Alatorre, Bosco, W. Brown, Cortese, Deddeh, Greene, Harris, McAlister, McCarthy, Papan, Roos, Sher, Tanner, Thurman, Torres, Tucker, Vasconcellos, Vicencia, M. Waters, N. Waters, Wray, Young. *Republicans:* Baker, D. Brown, Duffy, Felando, Filante, Fondse, Frazee, Frizzelle, Hallett, Herger, Imbrecht, Ivers, Johnson, Kelley, Konnyu, LaFollette, Lancaster, Lewis, Marguth, Mountjoy, Naylor, Nolan, Rogers, Sebastiani, Statham, L, Stirling, Wright, Wyman.

Berman (24) — *Democrats:* Bane, Bates, Berman, Campbell, Chacon, Costa, Cramer, Elder, Farr, Floyd, Goggin, Hart, Hughes, Ingalls, Kapiloff, Katz, Lehman, Levine, Lockyer, Martinez, Moore, Robinson, Rosenthal. *Republicans:* Moorhead.

Not voting (5) — *Democrat:* Hannigan. *Republicans:* Bergeson, Leonard, Ryan, D. Stirling.

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Ten years ago, the Senate was torn by battles between the forces of the "Old Guard" and the "Young Turks." Neither side had command of the house when the election of 1970 produced a clear Democratic majority. Senator James R. Mills of San Diego ran for the president pro tempore position on a peace platform. In effect, he told his colleagues that he would bring a period of tranquility to the Senate. Mills kept his word by using a low-key approach that produced a Senate devoid of strong leadership. Considering the way lawmakers rush into leadership vacuums, it is remarkable that Mills kept his job as long as he did, beating off several challenges along the way.

But the election of 1980 produced the kind of shock that changed the chemistry of the Senate. Senator Albert Rodda of Sacramento, chairman of the Finance Committee and one of the most respected members of the Legislature, was defeated by a conservative associate of Senator H. L. (Bill) Richardson. Even before that surprise, Senators David Roberti of Los Angeles and Bob Presley of Riverside were maneuvering for the top job on the assumption that Mills planned to run for Congress in 1982. After the Rodda defeat, the liberal Democrats wanted to mobilize themselves against any further Rodda-type attacks. Roberti, who had been serving as majority floor leader, quickly won most of the votes in the Democratic caucus. And liberal Barry Keene dumped Presley from the powerful Rules Committee. Now Roberti has working control of the Upper House. The two houses changed roles overnight. Thus, in the coming months it will probably be the Senate which will debate the major issues of the day. In the Assembly, Brown will have to keep Democratic and Republican program efforts to a minimum, for fear that his delicate alliance will fall apart.

Roberti and Brown are both attorneys, Democrats and liberals. That's about where the similarities stop. The 41-year-old Roberti arrived in the Legislature in 1967 as an assemblyman and could well have been voted the least likely candidate for further leadership. He was extraordinarily shy for a politician. When he walked along the Capitol corridors, he slouched along the walls as though he did not want to be seen. Yet, he was a hard worker and especially adroit at backroom maneuvering. And when he took the microphone, he could be both passionate and articulate. It is he, rather than Brown, who could emerge as the prime Democratic voice in the Legislature this session.

Winners and losers

Legislative leadership contests are often difficult for the public to understand. They differ from the usual election in several major respects. The campaigning is done behind closed doors, and the actual voting is done in public. Issues are virtually irrelevant; what counts is power and personality. Every voter must be wooed individually, and often the price for a vote can be very high.

While most of the attention was directed at the top jobs in the Senate and Assembly, dissident factions were at work within the Republican caucuses. In the Senate, GOP leader Bill Campbell must be concerned about the ongoing efforts of Richardson to dump him. Likewise, a small band of Republicans in the Assembly would like to replace Hallett. In fact, Hallett was not able to line up the entire caucus behind Brown. Four Republicans abstained and one, Jean Moorhead of Sacramento, voted for Berman.

The changing of the guard, as always, has produced lists of winners and losers. The obvious losers are the Berman and Mills loyalists and their associates. The winners in the Senate are John Garamendi, who replaced Roberti as floor

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leader; Keene, the new Rules Committee member, and Senator Al Alquist, the veteran who finally reached his goal of being appointed chairman of the Finance Committee. In the Assembly, Leo McCarthy at least salvaged something from his defeat by moving down to the position of speaker pro tempore. As such, he will preside over the house and maintain a decent office. Another victor was Mike Roos, the new floor leader; had Berman won, Roos probably would have found himself without a district in 1982.

How long will the new leadership last? In the Senate, Roberti appears in such good shape that he could remain at the helm for several years — until the Republicans gain a majority or until Roberti attempts to make a move up the political ladder. The Assembly is anyone's guess. Brown's biggest asset is the fact that his main rival, Berman, apparently cannot come close to mustering the necessary 41 votes to remove him. Even if the coalition with the Hallett group falls apart, it would now still take 41 affirmative votes to elect someone else. Thus, Brown will remain the speaker, at least by title, until some other Democrat arises to challenge him or until the start of the next two-year session in December 1982.

Session forecasts

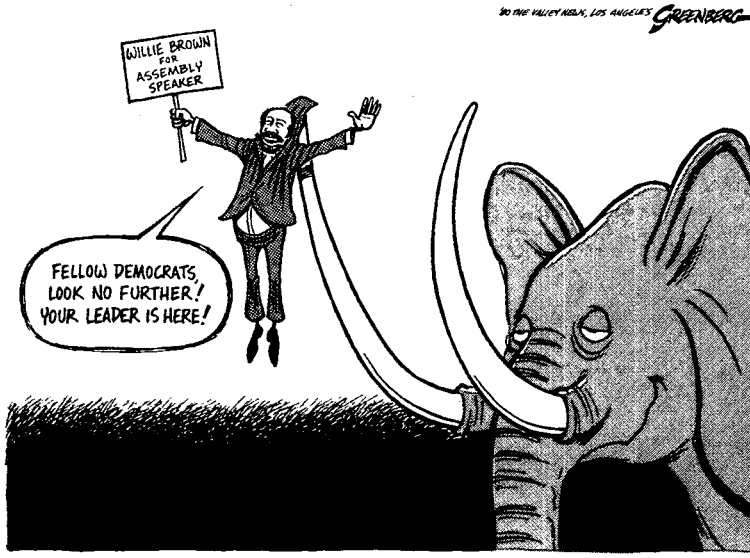
The Legislature appears to be entering a new era — one that has not yet taken firm shape. It has gone through periods when it was dominated by governors and powerful lobbyists. It passed through an era of strong personalities, such as Unruh and the late state Senator George Miller Jr. It has just gone through a transition period under Mills and McCarthy. Perhaps the transition is continuing. Or perhaps the coalition politics of Brown and Hallett will become standard fare for a while. The last true coalition speakership was 25 years ago under Republican Luther (Abe) Lincoln of Alameda County, but the Legislature was strictly a two-bit operation in those days, compared to today.

While it is impossible to assess the future of the Brown-Hallett coalition speakership, some projections can be made about the coming session:

- **Jerry Brown** will have a great deal of trouble trying to get his pet projects through the 1981 - 82 Legislature. Even without the change of leadership, Brown would have faced difficult sledding — that is, unless Berman had been elected speaker. The Republicans in the Assembly will try to embarrass him. Willie Brown cannot help resenting the governor's preference for Berman, even though Jerry Brown did appoint the new speaker to the University of California Regents recently. (Election to the speakership gave the assemblyman a second seat on the Regents. If he gives up the first and subsequently loses the speakership, he will be off the Regents entirely.) In the Senate, Governor Brown faces an obstacle in Senator Alquist, chairman of the Finance Committee and one of the governor's most outspoken critics in the Legislature.
- **Berman will** hardly disappear from the political landscape. He and his partner, Congressman Henry Waxman, still direct the most potent Democratic political organization in the state. They will be working hard in the next two years to broaden their base. Look for them to follow the old Sacramento political adage: "Don't get mad; just get even."
- **The Assembly** will be the center of attention in the capital city — even though more significant things will probably be happening in the Senate. The delicate nature of Brown's leadership will create plenty of anxious moments. But even if he had won by unanimous vote, the Assembly would be the place for the political aficionados to congregate. The reason is that Speaker Brown is probably the best entertainer in the political business in California today. (Remember his appeal at the 1972 Democratic convention: "Give me back my delegation!")

It will probably take the Assembly years to recapture the prestige it acquired during the Unruh era. Although the imperial speakership reduced the level of democracy in the Lower House, it did produce many beneficial results. The speakership started to lose power under McCarthy even before he faced the Berman challenge. Brown's acceptance of rules changes sought by the Republicans has further reduced the ability of a speaker to direct the flow of legislation in the Assembly.

- **Advocates for** lobbying organizations will find the 1981 - 82 Legislature especially difficult to read. Lobbyists must be prepared for a realignment of power in the Assembly at any time. They will not be sure that Brown can produce results within the Democratic caucus or in partnership with Hallett on any given issue. Committees will be more flexible than ever, especially with Hallett owning the right to remove Republicans from committees whenever she thinks they have abandoned the GOP cause. (And how can a coalition government work when such strict party discipline is being exercised? Or is the committee-assignment power just a method by which Hallett can punish those Republicans who support anyone threatening to topple her from her own leadership position?)



- **The Senate will** be a much easier house to read. Roberti has the backing of most Democrats, so he will not face much trouble within his own caucus. He will also benefit to some extent from the bitterness among the Senate's 17 Republicans. The rivalry between GOP floor leader Bill Campbell and conservative strategist Bill Richardson is not about to evaporate. Campbell is eager to use his post as a stepping stone to higher office, and Richardson is determined to knock him off the soapbox. Compounding the problem is the presence of former Los Angeles Police Chief Ed Davis, who is viewed as a possible candidate for governor in 1982 and as a problem to both sides in the conflict. Roberti will probably need some time to get his house in order, after 10 years in which all 40 members danced to the beat of their own drummers. In Keene and Garamendi, he has able and energetic associates with liberal leanings but with the ability to appear moderate. On almost any issue, Roberti can probably muster enough strength to be the dominant force in the Legislature.
- **The leadership change** will play a major role in establishing the lineup for the 1982 primary elections. Some of the key players in the leadership-shuffle game have been considered potential candidates for statewide office. These include Hallett, Campbell, McCarthy and Garamendi. Will Willie Brown try to parlay his speakership victory into a run

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for a secure four-year term in some constitutional office? He has talked about a variety of offices during his career, and one possibility is attorney general. It would be ironic to have the two partners in the coalition speakership, Brown and Hallett, running against each other for lieutenant governor in 1982. But strange bedfellows can become strange opponents overnight.

• **If the Assembly** coalition remains intact, the state's district lines will be drawn primarily to retain the current alignment between the parties. Neither Brown nor Hallett could allow the other to gain a significant advantage. This means that most Assembly incumbents of both parties would be protected. If someone had to be sacrificed, it would be a Berman backer or one of those in the GOP dissident group. Jean Moorhead of Sacramento, the only Republican who voted for Berman, could be a target. But she already represents a Democratic area, and she could change parties.

Such a reapportionment arrangement would work to the disadvantage of the Republicans, who did rather poorly in the state's district races last November, considering the nature of the Republican sweep throughout the rest of the country. The Democrats now hold 22 of the state's 45 congressional districts, and two more seats will be added in reapportionment. The best guess is that the parties will divide the seats. Congressman Phil Burton of San Francisco, who is especially close to Willie Brown, will be the lead figure in the redistricting of congressional lines. (He supposedly has selected the district of Republican Bob Dornan for shredding.)

The state Senate might have been a prime GOP target in 1982 because many more Democrats than Republicans are up for re-election. Instead, any incumbents who might have been endangered will probably be protected — with the possible exception of Bob Presley, who was Roberti's rival for the leadership job. However, Presley carries a non-partisan image in his district as the former undersheriff of Riverside County.

• **The Republicans** are apt to feel frustrated, even though they own a piece of the speakership. They kept Berman out of power, a significant accomplishment. But what do they do for an encore? They can hardly get a conservative program out of Brown. They can hardly expect the speaker to favor them over the Democrats. They will have to come out fighting in the 1982 elections, and that could mean the end of the Brown-Hallett coalition.

• **Legislative loyalties** are apt to become quite divided in the 1982 gubernatorial contest. Hallett has been allied with Lieutenant Governor Mike Curb. Mayor Pete Wilson of San Diego has followers among moderate Republicans. Some party leaders feel that Attorney General George Deukmejian, who has friends in both houses, should run to provide the party with a candidate who can win. Campbell and Republican caucus chairman Ken Maddy have gubernatorial ideas, as does Ed Davis. Bill Richardson will be involved in gubernatorial politics in a big way. On the Democratic side, Berman is tied to Controller Ken Cory. The speaker might be expected to line up with Mayor Tom Bradley of Los Angeles.

• **Opponents of abortion** will continue to have the upper hand, especially in the Upper House. Roberti is one of the most outspoken opponents of abortion in the Legislature. While Brown is on the other side of the issue, he can hardly match Roberti's strength as long as most Republicans are against abortions.

• **Welfare recipients** and public employees are in somewhat better shape in the Legislature with Roberti and Brown in charge. Had they held their leadership posts last year, the Legislature probably would not have passed a budget that trimmed welfare benefits on January 1st.

• **As long as** Willie Brown is speaker, the *San Francisco Chronicle* will be must reading each day for political insiders. Brown is one of columnist Herb Caen's best sources.

Other than that, it is business as usual in Sacramento.

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Private Management of California County Hospitals, by Ruth Roemer and William Shonick for the California Policy Seminar, Institute of Governmental Studies, U.C. Berkeley. 29 pp. Available for $3.75 plus tax from the Institute, 109 Moses Hall, U.C. Berkeley, CA 94720.

Regulating Occupations in California: The Role of Public Members on State Boards, by Howard G. Schutz, Lloyd D. Musolf and Lawrence Shepard for the Institute of Governmental Studies, U.C. Berkeley, and sponsored by the California Policy Seminar. 22 pp. Available for $3.50 plus tax from the Institute, 109 Moses Hall, U.C. Berkeley, CA 94720.

The San Franciscans, a new bimonthly magazine, edited and published by Jay Bail. Subscriptions at $8 a year, are available from The San Franciscans, 942 Market St., Suite 611, San Francisco, CA 94102.

Student Achievement in California Schools, an annual report of the California Assessment Program, as required by state law. Contains in-depth results of broad testing, with national comparisons. 178 pp. Available from Publications Sales, State Department of Education, P.O. Box 271, Sacramento, CA 95802. ($1.25 plus tax)

Policies for Seismic Safety: Elements of a State Governmental Program, by Stanley Scott for the Institute of Governmental Studies, Moses Hall, University of California, Berkeley. 96 pp. Available from the Institute.

Mid-Career Education and Training: Community Support Systems, by James Gilbert Paltridge, Mary C. Regan and Dawn G. Terkla under a research effort sponsored by the U.S. Office of Education. 93 pp. Available as IGA California Studies in Community Policy and Change Series No. 6, from the Institute of Governmental Affairs, University of California, Davis, CA 95616. ($5.50)

Summary of Local Campaign Disclosure and Contribution Limitation Ordinances, issued by the California Fair Political Practices Commission. 40 pp. Contact the FPPC at (916) 322-5662.

Financing Politics: Money, Elections and Political Reform, second edition, by Herbert E. Alexander, published by Congressional Quarterly Inc. 190 pp., paperback. Available from Citizens' Research Foundation, Research Annex, U.S.C., 3716 So. Hope St., Los Angeles, CA 90007.

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Can a black (Bradley) be elected governor in '82?

This is one of a series of articles on possible 1982 gubernatorial candidates.

By MICHELE WILLENS

When Tom Bradley ran for mayor of Los Angeles in 1973, he pledged, among other things, to serve two terms only; to be an "activist mayor" by exerting moral leadership; and to bring rapid transit to the country's third-largest city.

Bradley recently announced he would seek a third term as mayor. He has earned a reputation — even among supporters — as a man who avoids rather than confronts controversy. Only recently has LA gotten a pair of rapid-transit projects started, and they are steeped in controversy of their own.

Yet Bradley's popularity is so high in the city that a whole pack of mayoral hopefuls — waiting in the wings with bulging piggy banks — scattered when he announced he would run again.

Furthermore, Bradley's popularity has transcended Los Angeles, and he is considered the frontrunner for the 1982 Democratic gubernatorial nomination if he wants it. The odds are that he does. Mervyn Field's recent testing of 22 potential statewide political figures showed Bradley in the top group — along with Governor Jerry Brown, Lieutenant Governor Mike Curb and Howard Jarvis — in terms of name identification. And Bradley led all of the others in the favorable-unfavorable category. (63 percent favorable, 17 percent unfavorable.)

Bradley's decision on whether to try to move from City Hall to the state Capitol is a tricky one. Right now, despite his virtually uncontested mayoral campaign, he can't even discuss statewide options lest voters think he will start running for higher office just months after re-election. Yet his plans could be a troublesome issue for Bradley. He says simply that he is keeping all his options open and that politics is too volatile for predictions. His re-election finance chairman, Peter Kelly, doesn't feel the will-he-or-won't-he issue will hurt Bradley much. "The public is pretty well conditioned to ambitious politicians," Kelly says.

Michele Willens is a free-lance writer in Los Angeles and a frequent contributor to the Journal.

The bigger question

More important to the mayor's decision on whether to run for governor in 1982 is a larger question: Will California elect a black as its governor?

"It's a question a lot of people don't want to focus on, but they'd better do it and I told that to Bradley's people," says Mike Levitt, one of the key people behind Yvonne Burke's recent unsuccessful campaign to hold onto the seat to which Governor Brown appointed her on the Los Angeles County Board of Supervisors. "Yvonne's campaign is not insignificant in showing a black person's vulnerability outside a largely black district," Levitt says.

Burke, it is widely believed, lost because her mostly white constituents made common assumptions about black candidates (that they are necessarily liberal in all areas) and because her opponent, a white telephone-company executive, used buzz words like "busing" and "law and order." School busing — with which the supervisors have no involvement and which Burke opposes — is particularly hot stuff in Los Angeles, where the school desegretation controversy has managed to destroy as many political careers as it has made. (Those it has made include that of anti-busing leader Bobbi Fiedler, who won election to Congress after making her reputation on the busing issue.)

What Bradley's people are well aware of is that the GOP gubernatorial nominee in 1982 will probably be either Curb or Attorney General George Deukmejian, both masters at the buzz-word game. The man who ran Deukmejian's campaign against Burke in 1978, Bill Roberts, denies that race would be an issue in 1982: "I think Bradley would have an excellent chance for the nomination but a poor chance in the general. People would be forced to see that very little has happened in Los Angeles since he's been our mayor. The color thing might be a problem for some, but we wouldn't make it an issue. But, of course, whatever reality is there is there. You can't change people's feelings."

Bradley will have to keep in mind the conservative trend apparent in much of the country, plus the fact that Mervyn Dymally remains the only black who has been elected to statewide partisan office in California. A difficult campaign

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would be a special challenge for Bradley, who has emerged as a man uncomfortable with confrontation and controversy. On the busing issue, for example, he has chosen to stay out of the fray altogether, claiming it is better for the city. Still, his silence has disappointed many liberal and minority supporters who expected him to answer the strident voices of anti-busing leaders like Fiedler and others.

In fact, Bradley angered the campaign staff of Congressman James Corman when he agreed to be the first public official to endorse Corman but refused to go on the offensive against Fiedler. "He and his people had led us to believe he'd help us go after Fiedler," says one top Corman aide. "I think he made us look foolish for being so mild, but he's a Casper Milquetoast and always will be."

The mellow voice

"Bradley does stand back — but his greatest weakness may be his greatest strength," says Councilman Zev Yaroslavsky, who dropped out of mayoral contention when Bradley announced his third-term intentions. Many others agree that Los Angeles has run smoothly and has benefited from the mellow-voiced leadership that Bradley offered after his noisy predecessor, Sam Yorty.

"I'd say he's perceived as having done a spectacular job," says Bradley's re-election chairman, Nelson Rising. "Over the past 10 years, we've had politicians seeking controversy just to get publicity, and I think people are tired of that."

Others agree that Bradley is "perceived" as being an excellent mayor, but that the basics of city living under him have not improved. They say perhaps his greatest talent has been an uncanny ability to disassociate himself from any urban ills. "There is a very interesting dichotomy in LA," says City Controller Ira Reiner. "On the one hand, people are not satisfied with city life. They're concerned about crime, public transportation and housing. Yet they don't hold the city's chief executive responsible. In Chicago, they blame the mayor when it snows, but Bradley manages to not be held accountable for anything. I admire how he has pulled off this arms-length approach."

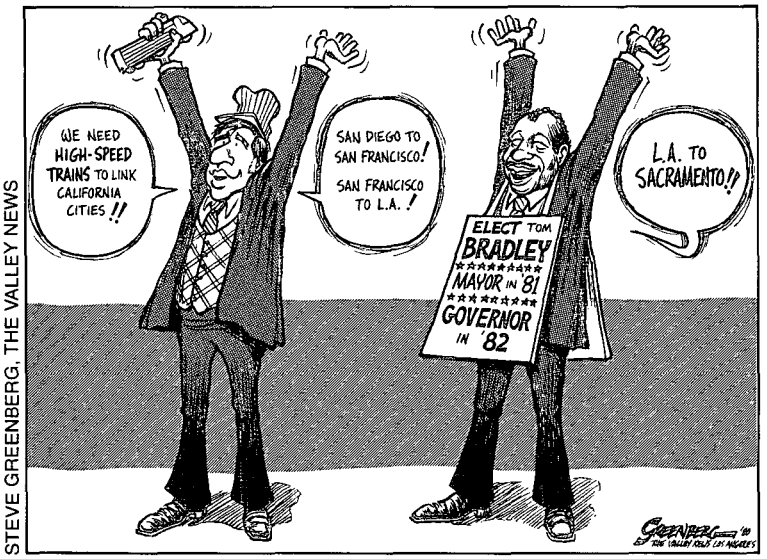
Reiner is one of several would-be candidates who decided at the last minute not to contest Bradley. One big reason was that all liberal money resources began drying up when Bradley announced. When word leaked that powerful political operative Mickey Kantor might help the campaign of his close friend Reiner, Bradley immediately called Kantor to express his hope that he would not help the opposition. Kantor then said he'd stay out. Later the company organizing Reiner's major kickoff fund-raising dinner pulled out suddenly. (One of the heads of the company is Nelson Rising's sister.) The toughest potential opponent remaining is Police Chief Daryl Gates, who has not yet announced his plans. If Gates runs, crime will be the main issue of the campaign.

A harder look

Some first-class political maneuvering — not quite offending his liberal supporters but also becoming a close friend to the big-business establishment downtown — has made Bradley the leading Democratic gubernatorial nominee. But a race for statewide office may force voters to take a harder look at what he has and hasn't done as mayor:

- **They will have** to decide if he should bear some responsibility for Los Angeles' skyrocketing crime rate — it broke all records this year, with more than 2,000 homicides. Police Chief Gates could capitalize on this issue.
- **Housing in** Los Angeles is a major problem. The average home costs well over $100,000, and two of the city's major low-income housing and rehabilitation programs have gone bankrupt, amid charges of incompetence and general confusion. On the recent 15th anniversary of the Watts riots, many black leaders were quoted as saying that things are no better today, despite their hopes for minority progress under a black mayor.
- **Public transportation** is still virtually non-existent in the capital of freeways and cars. The two projects Bradley has undertaken are strange ones: the $175 million People Mover, an overhead system of electrically powered cars to move people around a three-mile stretch of downtown Los Angeles, and the Wilshire Corridor, a subway system which will take people between downtown to parts of the San Fernando Valley. The latter is still in the early planning stages, and many critics consider the People Mover to be Mayor Bradley's MX: an unnecessary expense which would only serve persons already downtown without doing anything to alleviate freeway congestion getting there.

But Bradley can point to a few accomplishments as well: a civilian Police Commission to oversee the Los Angeles Police Department; more federal funds for projects like the proposed Wilshire subway; and revitalization of the downtown area. He has also been a man who clearly loves the ceremonial aspects of the job, and he has represented the


WE NEED HIGH-SPEED TRAINS TO LINK CALIFORNIA CITIES!!
SAN DIEGO TO SAN FRANCISCO! SAN FRANCISCO TO L.A.!
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ELECT TOM BRADLEY
MAYOR IN '81
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city well on his many trips to Washington.

His administration has not escaped its share of problems, such as the mismanaged housing programs, but voters somehow haven't connected the messes with the man at the top. A hazardous waste dump in East Los Angeles was found to have been operating illegally for years — even though the city's Board of Public Works had been warned it was violating health and safety conditions. Bradley remained silent, and finally a court ordered the facility closed.

An investigation of the Board of Public Works — a $120-million-budget board composed of Bradley appointees (including good friends and former fund-raisers) showed many improprieties and misuse of city funds. Bradley called for a private investigation but displayed no outrage.

How does Bradley manage to remain relatively unscathed in these quasi-scandals? One city official says the mayor's critical ally here may be the city's all-powerful newspaper. "The *Los Angeles Times* dictates news in this city," he says, "and it just will not take direct knocks at Tom Bradley. The paper is so closely associated with the city's image — and let's face it, Bradley is the perfect image. He's dignified, a friend of presidents, friend of big business and he's black — but not too black. So the *Times* has a vested interest in keeping him a popular mayor, having been humiliated by Sam Yorty."

Even in a statewide race, Bradley probably will benefit from something that has helped to bring him this far: liberal

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guilt. "No one is enthusiastic about Tom Bradley," says one prominent Democratic attorney, "but liberals have this guilt complex about him and they're willing to settle for him because they wouldn't dare oppose a black. I don't think anyone feels he would be a dangerous governor. But based on the lackluster, passive job he's done as mayor, I wonder why we think he's well qualified to perform the top duties in the state."

That personal question — and the larger, general question of whether Californians would put a black into their highest state office — will probably determine Tom Bradley's future course.

"I think he'd be a good governor," says Tom Quinn, who is serving on an advisory committee for Bradley's re-election. "He's very bright and cautious, yes, and his style would be very different from Jerry Brown's. But his was different from Sam Yorty's, too. I think he's the strongest contender for 1982 because he's well-known in the major TV market and is so popular. The black thing may hurt him statewide but he has been elected mayor of a major city twice."

Pollster Mervin Field says, "His color may only hurt him in pointing up that he's Democratic and liberal — which could be more of a liability now than anything."

State Senator Diane Watson agrees with Field about Bradley's chances. "At this moment, it's a liability to be black, in particular, and *for* the poor and minorities, in general," Watson says. "There was a grave lesson to be learned in Yvonne's defeat, since she is someone who has not even taken controversial stands. Right now, I don't think Californians would elect a black governor and the few of us who are in elected office cannot lose our commitment, but we have to find new ways of speaking out or else we will find ourselves targeted."

Other black politicians are more optimistic about Bradley's statewide chances. "I do think a black person could be elected governor," says Burke, "but it would take a particular kind of candidate and Tom Bradley is it. He has not been in legislative office, as I had, so people aren't sure where he stands on certain things. And he's certainly established himself as an important mayor."

More than that, Bradley takes pride in the fact that his color doesn't seem to matter to many voters one way or the other. He still bristles, for example, when people remind him of this reporter's description of him several years ago as "the black Gerald Ford," saying he's not the *black* anything.

If he can convince voters of that in 1982 and if his achievements withstand close examination, Tom Bradley may find himself governor.

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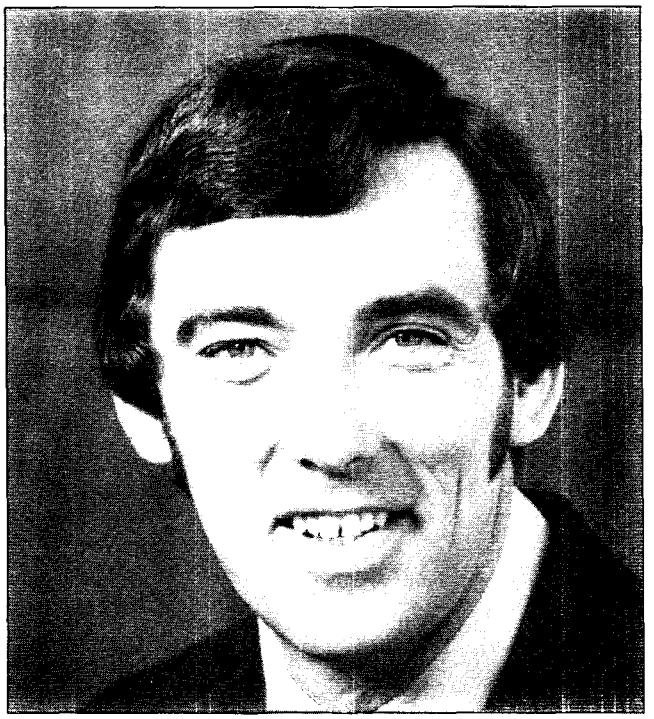
Cory as governor: 'serious, dig in and do the work'

This is one of a series of articles on possible 1982 gubernatorial candidates.



By PATRICIA RUBIN

Ken Cory doesn't behave like most 1982 gubernatorial hopefuls. He is moving rather quietly and deliberately. For now he remains in the political shadows, watching to determine the public's mood. But in 1982, state Controller Cory may emerge as a major contender with a few surprises up his sleeve.

If experience in state government is an advantage, Cory should be in good shape. His background reads like a public servant's training program: two years as chief consultant to the Assembly Education Committee, one and a half years a chief administrative officer of the Assembly, four consecutive terms in the Assembly representing the 69th district in Orange County, two terms as state controller. In 1978 he won re-election as controller, with the second largest vote accorded an incumbent in California history.

If ambition is important, Cory again scores high. He clearly wants to occupy the corner office on the west side of the Capitol, but he has not yet committed himself to the race. Asked if he is seriously considering a 1982 run, Cory smiles and says, " 'Seriously considering' is nebulous enough." He probably won't announce until and unless Jerry Brown closes the door on a third-term try.

For now, Cory prefers to describe himself as a man with many options. He says he may run for Hayakawa's Senate seat or for re-election as controller, or for governor. One thing is certain: He will run.

One possible scenario being discussed would have Ken Cory, March Fong Eu and Tom Bradley all seeking the Democratic nomination, with Cory and Bradley splitting the Southern California vote and Eu winning the primary. Others say public image, not geography, will determine who wins in '82 — and it is the public perception of Controller Cory that remains a big question mark.

The political appetite

Cory's involvement in California politics spans almost 20 years. Born in 1937, Cory attended a string of colleges — Orange Coast College, University of Southern California, the University of California in Berkeley and Los Angeles (but never graduated) — before landing a legislative staff job in Sacramento. With his political appetite whetted, he first won an Assembly seat in 1966. Then in 1974 he campaigned for the state controller's job with a slogan in tune with voter frustration that year over gas lines and shortages: "The man the oil companies fear most." In newspaper ads he asked, "Who cares who the state controller is? Exxon cares. Mobil cares. You should care, too." Cory charged that certain oil companies — Texaco, Standard, Exxon, Mobil,

Patricia Rubin is a free-lance writer in Sacramento and a frequent contributor to the Journal.

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Shell, ARCO and Union — were fixing prices, and promised, if elected, to go after them.

Six years later, after massive litigation, a trial date has been set for the spring of 1982. "The oil antitrust case has withstood all the preliminary skirmishes," Cory says. "The oil companies never had to litigate an antitrust case before; they always got them dismissed. They're not going to have this one dismissed. They've tried and failed."

The timing of such a headline-making trial could hardly be better for Cory. "I want to make sure the antitrust suit is, if not concluded, at least on track well enough that no one can untrack it." This would leave Cory free — and very visible — for a statewide campaign.

Cory says his battle with the oil companies typifies the style he would follow as governor: "Serious, dig in and do the work." He is defensive about the publicity-generating aspects of the antitrust campaign. "If people are willing to look at the record," he says, "they'll see it's a real battle. It's not a press-campaign issue. We went at them where they live, and we're going to win."

Assets and friends

He doesn't hide his enthusiasm for the governor's job: "There are problems I would like to pursue from that vantage point. We are going to be in a very tight revenue situation. This is the time we'll have the greatest chance of restructuring government spending priorities."

One of Cory's major assets in a gubernatorial campaign would be a close connection with the Berman-Waxman organization. Cory's chief deputy, Carl D'Agostino, has been a close political associate of Howard Berman's brother Michael, for many a year. D'Agostino and Michael Berman were partners in an Assembly reapportionment effort.

Candidate Cory can also point to some substantial fiscal accomplishments, chiefly in collecting new state revenue from non-tax sources. As chairman of the State Lands Commission, Cory has worked to get higher rentals and royalties for state property. He drove a hard bargain with a group of oil companies — Texaco, Exxon, Union, Mobil, Shell — which lease from the state the right to explore for oil and gas in the tidelands area near Long Beach. "Rather than allow these companies to continue to lease the exploration rights for a flat amount, we said let's cut a realistic business deal based on net profits," Cory says. "They took us to court and we won." This year's profits to the state from tidelands leases will be about $500 million; next fiscal year it will increase to $570 million, compared to about $100 million in previous years.

The state also won new multimillion-dollar royalties in court last November from the geothermal resources it owns at The Geysers, site of the first commercial geothermal development in the country. "We've gone to net profits rather than selling it cheap," Cory says. "We're participating in the profits . . . so the taxpayer really benefits from the exploration of these resources." Leaseholders argued that rights to geothermal steam should be treated as water rights, which can be held by private property owners. The state insisted successfully that geothermal was a mineral right, which accrues to the state.

Another of Cory's well-publicized campaigns was his dispute with major banks over their handling of dormant accounts. Cory charged that the Bank of America and Crocker Bank levied service charges on such accounts while crediting no interest, and made no effort to notify account holders — even celebrities. Last July he won a court decision against the Bank of America for a judgment of about $20 million, which the bank may appeal. Cory recently sued Crocker Bank for fraudulent business practices that he said amount to "stealing" from depositors' savings accounts. "Nowhere is the customer ever warned that his or her funds are in jeopardy simply for not showing up at some point with the passbook," says Cory.

Sticky problems

But Cory has had his share of sticky political problems, too — some that threatened, at least temporarily, to cloud his political future:

- **The Cella connection.** For most of his first year as controller, he was forced to devote much energy explaining and defending a $575,000 loan from two Orange County businessmen, Richard O'Neill and Dr. Louis Cella. The tie between the three men involved more than money. For a while, Kobe Enterprises, a partnership between Cory and his two wealthy supporters, owned 541 acres along the Cosumnes River near Elk Grove. Cory planned to build a large ranch house there. The three also owned major interests in an insurance company.

In 1976 Cella was convincted of 22 counts of federal income tax evasion, Medicare fraud and conspiracy. The federal court found that he embezzled more than $600,000 from hospitals he controlled in Orange County, and that he used much of that money to finance his political contributions. Because of the controversies, Kobe Enterprises was dissolved and its assets sold. "That was a costly lesson," Cory admits. "The money I received from those people I personally repaid, and the campaign now owes me. Personal pride, propriety — whatever — led me to believe that it was the appropriate thing to do. I really had nothing to gain or any knowledge of Cella's misdeeds. I figured it was the best way to clean it up."

- **Appointments.** Another storm erupted a few months after Cory became controller, this one involving his appointment of inheritance tax referees. The referees compute state inheritance taxes and receive a percentage of each estate as a fee. In major counties a referee can gross $60,000 annually for part-time work. Newspaper investigations showed that several Cory appointments had political connections, and that some were close relatives of campaign contributors. At the time, D'Agostino said, "We agree we made political appointments. But every controller has made as many or more such appointments . . . We're open and honest about admitting it."

- **Unloading Huff.** Last year, Cory received some adverse publicity for his successful efforts to remove Martin Huff as executive officer of the Franchise Tax Board. Cory masterminded the last-minute passage of a bill abolishing Huff's job protection, and Huff resigned. Cory said Huff had been acting in an autocratic manner, and Huff accused Cory of attempting to control the income-tax system through the exercise of "raw naked power."

Will such incidents resurface to hurt Cory in a campaign for the governor's seat? Deputy Controller D'Agostino isn't sure. "I think they're old history, but I think they'll resurface," he says. "They played long and loud in the past. Voters by and large ignored them, and as they get further into the background, they become less a factor."

D'Agostino says Cory is a man who doesn't fit into any molds or follow traditional behavior patterns. "It's hard for people to understand politicians like him," he says.

Friend and former seat-mate Assemblyman John Vasconcellos calls Cory "a curious mixture of idealism and pragmatism. He's idealistic when he can afford to be and pragmatic when he has to be."

Cory likes that assessment. "Public life is dealing with the possible. I try to keep in mind where the absolute good is and realize that many times you carry out a policy that is the compromise of many views. You have to be pragmatic to function, but I hope I never lose my view that there is an ultimate public good we should be reaching for. If I lose that, I'll go do something else. I'll train dogs."

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Will Reagan sound retreat in the federal-state smog war?

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EPA
CALIF.
BUT NO! YOU HAD TO REJECT IT!
WHOMP!
JUST FOR THAT, WE'RE GOING TO BAN NEW FACTORY CONSTRUCTION IN THE STATE!!
POW!
AND WE'RE GONNA' CUT OFF $400 MILLION IN TRANSPORTATION FUNDS!
EVEN IF THIS KILLS PROGRAMS THAT MIGHT REDUCE SMOG!
STOMP
STOMP
STOMP
THEN WE'RE GONNA' SLASH $350 MILLION IN SEWER FUNDS, AND THEN WE'RE GONNA...
WHY ARE YOU DOING THIS?!
PUMMEL
PUMMEL
BECAUSE WE HAVE A DUTY TO IMPROVE YOUR QUALITY OF LIFE!!
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'80 THE VALLEY NEWS, VAN NUYS, CA.

By JAMES R. CARROLL

Ronald Reagan's accession to the presidency this month is an opportunity for newspapers and television and radio stations everywhere to run speculative stories about what a conservative in the White House will mean for a local defense plant, an unfinished highway or the one daily train through town. California has perhaps the biggest local angle to the change of national administrations.

The federal Environmental Protection Agency (EPA) has commenced cutting off at least $850 million in construction funds for highways and sewer projects until California complies with federal clean air laws. Compliance means enactment of a mandatory, statewide, emission-inspection program for the state's 13 million automobiles.

With the state Legislature showing little inclination so far to get behind any smog inspection plan offered by the Brown Administration or anyone else, the question boils down to this: Will Reagan permit the EPA to impose the stiff penalties on his home state?

James R. Carroll is the Sacramento bureau chief for the Orange County Register.

There are, as one might suspect, some widely varying views on the subject. In the Legislature, the prevailing sentiment is that Reagan will rein in the EPA before it does much more. That supposition accounted for a lot of the foot-dragging in the Senate and the Assembly at the end of the 1980 legislative session last August when Governor Jerry Brown and a handful of allies in both houses made a last-ditch effort to pass some kind of inspection plan. Opponents of smog inspection programs believe that with Reagan in Washington, the pressure will soon be off and California will escape the inspection requirement.

Some Democrats acknowledge that the departure of President Jimmy Carter will mean changes, but are not sure what kind. "It's reasonable to assume that a different philosophy in the White House will make a difference on this subject," says Gray Davis, Brown's chief of staff. But he adds there have been no indications the EPA is about to change course dramatically on the day Reagan is sworn in. "We continue to believe the feds are serious," he says.

Davis thinks the 1980 election produced "counter-balancing factors" on the smog-inspection issue. Reagan may very well be unsympathetic to the EPA's intentions in California. On the other hand, Davis says, the Legislature is now two years away from its next election. The time is right, he

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argues, the put an inspection plan into operation with minimal political damage. Some legislators will undoubtedly question whether voters' memories in 1982 will be that short.

The palatability problem

The administration's problem, of course, is finding some kind of inspection program that is even halfway palatable to both Northern and Southern California, to the service station owners and to auto manufacturers and dealers.

One of the key issues is who would do the inspections. The buzz words are "centralized" and "decentralized" systems. A centralized system would limit inspections to special facilities, either under contract to the state or actually run by the state. A pilot centralized inspection program in the South Coast Air Basin — which includes Los Angeles, Orange, Riverside, San Bernardino and Ventura Counties — has been heavily criticized as too costly and inefficient. Residents have complained about long lines at the few inspection stations, and they claim the emissions measurements are often inaccurate. A decentralized system would involve state licensing of service stations, auto dealers and others who would make the inspections. Critics of that system suggest that service stations will require unneeded repairs to generate more business. Inspections under either system would cost motorists between $10 and $20.

Another major issue in the smog debate in the Legislature has been the state pollution standards, considered the toughest in the nation. The auto industry would like to dilute the standards to bring them within the range of standards in other states. That would eliminate the current need for building special emission-control equipment for cars to be marketed in California, and would permit the sale of some models not now available in the state because they are considered too "dirty."

The Brown Administration gave in a little on the air quality standards during the last legislative session when chances still looked good for a compromise inspection bill. But some legislators, led by Senator John Foran of San Francisco, drafted legislation that watered down the standards still more. The tactic got the backing of the auto manufacturers and dealers, and would not have bothered the EPA, whose air-quality guidelines are not as rigid as California's. But the administration thought things had gone too far. In one of the more bizarre alliances of the year, Southern California legislators opposed to any kind of inspection program teamed up with the administration and killed Foran's bill.

"We are willing to discuss alternatives," Davis told legislators more than once. "But we are not going to ask motorists to finance the degradation of the environment."

The ARB has since assembled new legislation that would give local districts the flexibility to set up their own inspection programs, either centralized or decentralized. Even so, many lawmakers remain absolutely opposed to establishing any type of inspection program. Assemblyman Richard Robinson of Santa Ana has been adept at using parliamentary procedures to torpedo a couple of attempts to bring smog inspection bills to a vote. "I don't like mandatory inspection programs. Period," he says. "I don't like to be blackjacked or blackmailed by the federal government. Period."

The EPA had delayed imposition of the sanctions several times until acting in December. The delays were to give the Legislature time to pass an inspection bill. In December, however, the agency operated as though there will still be a Democrat at 1600 Pennsylvania Avenue on January 21st. "We are proceeding on track," says EPA spokesman Jim Carson. "We will continue with our plans and are not backing down."

Carson insists that from the EPA's perspective, there is no choice in the matter. Under federal law, any state that has not complied with the clean-air laws is subject to a loss of federal aid until it complies. That is the policy the agency has followed in all 29 states where pollution levels require auto smog inspections.

Colorado's legislature balked last spring when the EPA ordered smog inspections in that state, and shortly thereafter the cumbersome administrative procedure was set in motion that would have led eventually to the cut-off of $300 million in construction aid. The Colorado lawmakers finally gave in to the pressure and passed an inspection bill, and the sanctions were withdrawn before the state lost a penny.

Carson says changes in current federal law would have to be made by Congress. With a Republican-led Senate and a Democrat-controlled House of Representatives, a battle over air pollution laws would obviously be long.

"Since it is the law now, it would be very hard to stop us (from enforcing the penalties against California)," Carson says. "And since it is the law, it has to be enforced."

Maybe so, but no law prevents a new EPA administrator from taking a cue from his predecessor and delaying the sanctions almost indefinitely. If that course is taken, however, the Reagan Administration might have to spend a lot of money defending against lawsuits. States like Colorado which were forced into compliance with federal laws are likely to argue that California should be no exception. One of the basic constitutional principles of American government is that the law applies equally to all.

Reagan himself has had nothing to say about California's tussle with the EPA. During the transition period the president-elect has adhered to a policy of making no substantive comments on anything until after the oath-taking.

The Reagan record on air pollution is a bit hazy. As governor, Reagan did sign legislation creating the state Air Resources Board, the agency that makes and implements policy dealing with air quality in California. He also actively supported an amendment to the 1970 federal Clean Air Act which permitted California to impose stronger anti-pollution measures than other states. In addition, Reagan signed a law requiring anti-smog devices on new cars in California.

But Reagan also had some differences with the ARB, and he fired three of its members in late 1973 just days before the board was to vote on a plan to require smog-control devices on older cars. "I don't think he knows any more now about oxides of nitrogen than he did when he fired us," says Gladys Meade, one of those dismissed.

Reagan also twice vetoed legislation that would have set up a special government agency just to deal with Southern California's unique and acute pollution problems.

Trees and volcanoes

As candidate for the presidency, Reagan's assertion that most air pollution is caused by trees and volcanoes became a standard Carter campaign joke.

What bothers environmentalists and convinces others that Reagan will halt the EPA sanctions against California is the former governor's apparently firm belief that air pollution is not the problem it once was. In a 1970 message to the state Legislature in which he announced new anti-pollution efforts, Reagan said that "air pollution in California is on the decline." Ten years later, he still believes it. On a campaign stop in Youngstown, Ohio on October 8th, Reagan claimed, "Air pollution has been substantially controlled." Even more significant from California's standpoint, he blamed federal anti-pollution laws for the closing down of factories around the nation.

On his return trip to California shortly after that Youngstown appearance, Reagan's campaign plane was diverted from its scheduled landing at Burbank to Los Angeles International Airport. The Hollywood-Burbank Airport had been shut down because of poor visibility. There was too much smog.

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California Journal
Major Article Index, 1970 - 1980

This index is designed as a research tool for anyone seeking information on any aspect of California government and politics. Articles are listed by subject and by name (people section). Brief references of less-than-article length are not included. Back copies of most issues are available for $2 each from the **California Journal,** *1617 10th St., Sacramento 95814.*

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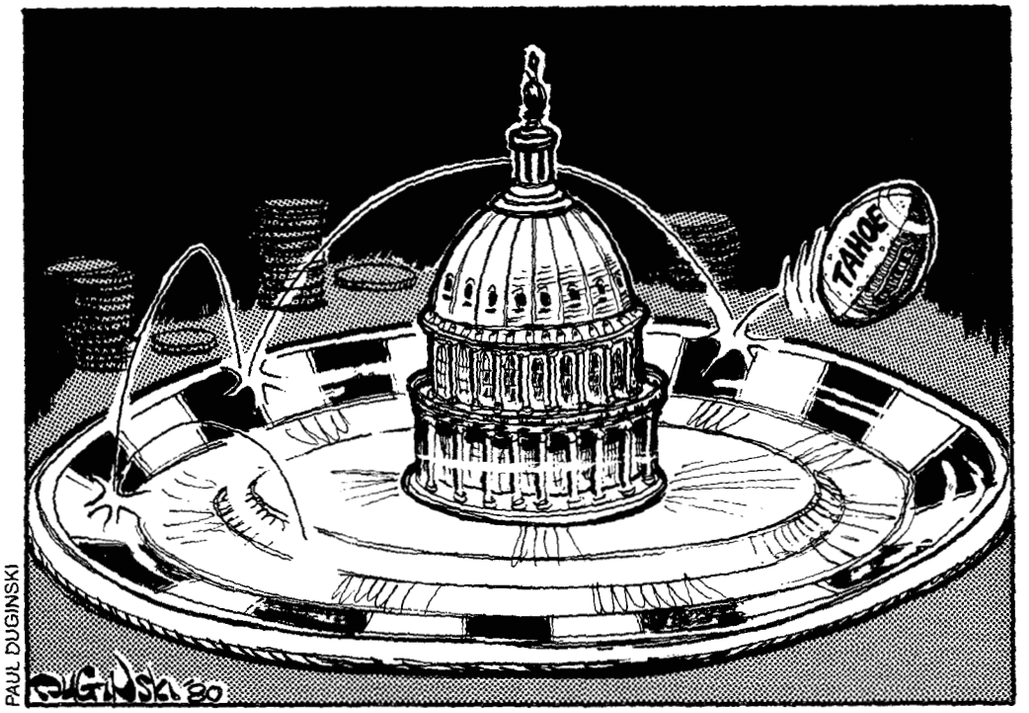

By HAL RUBIN

All the headlines last month suggested that Lake Tahoe had plenty of friends and guardians in Washington. First Congress ratified a new version of the bi-state Tahoe Regional Planning Agency. Then the Senate modified and passed the Burton-Santini bill which will provide for federal purchase of some properties in the Tahoe basin. With so much concern displayed for Tahoe's fragile environment, could permanent salvation be far behind?

Ironically, yes. The future of the unique alpine lake and its shoreline depends more than ever on two unpredictable factors: the effectiveness of TRPA, which has been blatantly ineffective in the recent past; and the willingness of the new Reagan Administration to provide federal protection.

The experts projecting the fate of the nation's largest alpine lake have been gloomy for a long time. External symptoms are steadily worsening: smog conditions that are sometimes as bad as those in Los Angeles or San Francisco, pollution of the once-pristine blue waters with mats of decaying algae; a shoreline scarred with urban blight. Politically the region has suffered from fractured bi-state compacts and jurisdictional conflicts among competing districts, agencies, cities and counties on both sides of the lake.

If Lake Tahoe is indeed in danger of dying — and environmentalists insist that is true — then its story can be told in the style of the popular game *Clue*. Action is occurring in Sacramento, Carson City, at the lake itself and in Washington (not in the living room, ballroom, kitchen). The cast of characters includes state legislators, congressmen and senators, past and soon-to-be-inaugurated presidents, planners, developers, property owners and casino operators. Motives are complex, but profit and political advantage rank high.

There is one major difference, however: The weapons involved should be considered the various plans and bills to save — not to destroy — Lake Tahoe. They include some that have been ineffective and others that may be politically impossible in the new Reagan Administration. Some of their various proponents shift positions as the story moves along. For example, when a "drastic" proposal is introduced, more "moderate" solutions to Tahoe's plight gain adherents among their former enemies.

Here, then, are some of Tahoe-saving "weapons" that have been tried and others that are being proposed:

- **Tahoe Regional Planning Agency** (TRPA) — Created in 1969, this original bi-state agency was charged with responsibility for control of development of the Tahoe basin. But a "house edge" was built into its machinery that ensured sympathetic treatment for new growth: If a majority of the TRPA members failed to give a new project applicant the green light within 60 days, that was tantamount to approval, and construction could begin. The "house edge" was further improved by stacking the membership in favor of pro-growth forces in both California and Nevada.

During the past decade, the TRPA approved more than 95 percent of all development proposals that it reviewed. In

Hal Rubin is a journalism professor at Sacramento State University and a frequent contributor to the Journal.

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1978 alone, four new casinos and 1,500 additional hotel rooms were okayed for Stateline. Those projects would add 24,000 residents to South Lake Tahoe, planners estimate.

In 1979, California unilaterally withdrew from the bi-state agency, cut off funding, refurbished its own California Tahoe Regional Planning Agency and prepared for the battle to save its two-thirds of the lake and basin. Leading the revolt were Secretary of Resources Huey Johnson, Jim Bruner of the League to Save Lake Tahoe, Senator John Garamendi and Assemblyman Victor Calvo. Their efforts had the support of the Sierra Club and other conservationist groups.

Then, in a last-ditch effort at compromise last year, Garamendi, Calvo and two members of the Nevada legislature devised a new bi-state compact. The California Legislature and Governor Brown approved Garamendi's compact in the form of SB 82. Nevada Governor Robert F. List called his legislature into special session and got similar approval to make a new start. The agreement prohibits most development at the lake for two and one-half years, imposes strict limitations on the expansion of existing casinos and prohibits new casinos. The compact also increased membership in the agency from 10 to 14, seven from each state, as a means of limiting the power of local representatives who almost always support growth. Congress quickly ratified the strengthened TRPA compact last month.

Another significant change was in voting procedures: A majority of representatives of each state must approve a regional plan and all new ordinances and regulations. But unresolved was the question of a mass-transit system. California wants future traffic increases to be handled by public transit to the casinos and ski areas from key centers in the basin. Nevada prefers improved vehicle access, including the controversial Loop Road around the casino area and high-rise parking garages.

The new compact was advertised as a compromise between developers who want unlimited growth and those who want to call a virtual halt to development, and it put a moratorium on large projects until a new plan is devised for controlling growth.

- **California plan** — While attempting a new start with Nevada, California is also going ahead with a strengthened plan for its own side of the basin. The original draft called for a development ban on 12,000 of the 15,600 empty parcels on the California side of the basin, because these lots are so steep or subject to erosion that development would boost sediment runoff about 1,000 times over normal levels. The revised plan leaves about 7,000 lots for new building. Purchase cost of the remaining lots in environmentally sensitive areas is estimated at $131 million. Another $95 million will be needed for additional projects over the next 20 years that would stabilize slopes, revegetate bare areas and direct runoff into drains and around unstable areas. The state Water Resources Control Board allocated another $10 million in Clean Water Funds for erosion-control projects, and the state Department of Transportation expects to spend $7.8 million for erosion control on highways.
- **Proposition 2** — If this proposal had passed in November, it would have provided $85 million for state purchase of environmentally sensitive property from willing owners in the Tahoe area. For once the environmental and development interests agreed on a proposition; it had the support of the Sierra Club, the League to Save Lake Tahoe, California Association of Realtors and the League of California Cities. The proposition offered a way out for thousands of lot owners who bought land they are not now allowed to build on or to sell. It did not provide condemnation powers to force any unwilling owner to sell.

But Proposition 2 narrowly failed, 3.87 million to 3.69 million. Most of the no votes came from Southern California.

- **Carter's council** — Another Tahoe safeguard established last year may never be implemented. It was born in mid-October, partly in response to a new federal environmental-assessment report which indicated that the basin was rapidly approaching the point of no return.

Announcing that the nation has a stake in preserving the Lake Tahoe basin, President Carter signed an executive order establishing a federal coordinating council for Tahoe, with authority over projects involving the federal government that would encourage further growth — sewage treatment plants, highways and financing for housing projects, among others.

The coordinating council has representatives from seven Cabinet departments and the Environmental Protection Agency. It is intended to determine the extent of development the basin can support without adverse effects on water, air and land, and to regulate federal projects accordingly. While the council was establishing its standards, Carter advised all federal agencies to avoid actions that would stimulate additional development.

It is not clear if President Reagan will support the coordinating council. Even if he does, it may not be allowed to carry out the functions that President Carter intended.

- **Federal water standards** — Another lever on the Tahoe Basin is Section 208 of the Federal Clean Water Act, which states that all waters of a significantly unique or scenic nature must be protected, and Lake Tahoe is both. All states must devise plans for protecting these resouces. Here again, a great deal depends on the enforcement policy of the administration in Washington.
- **Burton-Santini bill** — A major Tahoe bill, HR 7036, was hammered out last year by Congressmen Phillip

The war between the states

Here is a brief chronology of the efforts to establish a mechanism for preserving the environment of the Lake Tahoe basin:

1968 — California creates the California Tahoe Regional Planning Agency and proposes a California-Nevada planning compact.

1969 — Nevada and Congress approve the compact.

1970 — The Tahoe Regional Planning Agency (TRPA) goes into operation.

1971 — A federal agency proposes creation of a Lake Tahoe National Lakeshore.

1974 — A TRPA committee recommends compact reform.

1976 — California and Nevada representatives meet to negotiate a new compact.

1977 — The states fail to reach agreement, and California proposes formation of a Lake Tahoe National Recreation Area.

1978 — Nevada Governor O'Callaghan accepts a proposed compact reform mediated by former California Assemblyman Charles Warren.

1979 — Nevada Governor List rejects the reform negotiated by his predecessor. Negotiations are reopened. Opinion polls show that Nevada residents favor stronger environmental controls at the lake. California stops funding the bi-state agency, and California members resign.

1980 — Compact negotiations are reopened. A major federal Tahoe land acquisition bill starts moving through Congress. Legislators from California and Nevada reach agreement on a new compact. Both states approve the revisions, and Congress ratifies. Weakened version of Burton-Santini bill passes.

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Burton of California and Jim Santini of Nevada. As approved by the lame-duck session of the 96th Congress, the measure provides for federal land purchases in the Tahoe Basin, using money from the sale of about 9,000 federally owned acres of Nevada land, most of them near Las Vegas. Local and state governments would have to agree before any of the federal land, now controlled by the Bureau of Land Management, could be sold. Revenues from these sales would be deposited in the U.S. treasury, except for 5 percent to the state of Nevada for educational purposes and 20 percent to local governments for recreational development.

The remaining 75 percent would go to the treasury for private-land acquisition around Lake Tahoe. Land purchased would be administered by the U.S. Forest Service. On the California side of the lake, the secretary of agriculture could purchase private land either that is undeveloped or already developed but producing environmental damage. On the Nevada side, only undeveloped land could be acquired. Land sales in Nevada were expected to yield from $70 million to $150 million. The bill also provided for $30 million in separate federal funds for land purchases.

A controversial element in the Burton-Santini bill was the right of condemnation of undeveloped or developed land where its use is detrimental to the preservation of the existing air, water or visual qualities of the basin. Nevada Senator Paul Laxalt consistently resisted granting condemnation powers, and he insisted last month on diluting the condemnation section before agreeing to let the measure be considered by the Senate. Senator Alan Cranston concurred, hoping to keep the bill alive long enough to get it passed. Although Laxalt — one of President-elect Reagan's closest political and personal friends — introduced the Burton-Santini bill in the Senate several months before, he opposed prompt action and demanded lengthy hearings at the lake before the November election.

With Reagan's election, Laxalt got the whip hand over the Burton-Santini bill. In the final days, Laxalt and Nevada Senator Howard Cannon, working with California's S.I. Hayakawa, rammed through the amendment that gave the bi-state regional Tahoe Regional Planning Agency a veto over land condemnations on both sides of the lake. The change placates Tahoe property owners and developers who have adamantly opposed letting the federal government decide which parcels will be placed in the public domain.

Although Burton and Cranston, the Sierra Club and the League to Save Lake Tahoe opposed the last-minute amendments, it was too close to adjournment to continue the fight. They decided a compromise was preferable to beginning again next session, when environmental concerns will have even tougher sledding.

Land developers are said to be eagerly awaiting a green light from the new Reagan Administration. Past restrictions on the Tahoe Basin, for example, have caused a real-estate boom to spill over into the adjoining Truckee-Mardis Valley. Among the developments northwest of Truckee is the Tahoe-Donner Project, a 6,000-unit subdivision owned by Dart Industries. Justin Dart, a long-time Reagan sponsor and mentor, has had his project tied up in expensive litigation for 10 years over sewerage and water facilities. A pro-growth stance in the Tahoe Basin and its periphery by the Reagan Administration would obviously be a blessing for Dart and other developers.

• **Federal management** — Those favoring a federal presence at Tahoe viewed the Burton-Santini bill as a fragile compromise — an interim measure for Tahoe's protection, but not a final solution for the lake's growing problems. According to environmentalists, adequate planning and regulation require the eventual passage of Congressman Vic Fazio's Lake Tahoe Natural Scenic Area measure, HR 6338.

Fazio's bill goes much further than Burton-Santini. It would provide for federal management of the entire Tahoe Basin as a scenic and recreation area by the U.S. Forest Service, which already owns 63 percent of the lands in the basin and several miles of shoreline. Authority for management, planning and acquisition would be vested with the secretary of agriculture. Although Fazio's bill failed to move in the 96th Congress, he is watching for signals that will indicate his future course. He expects to try again with HR 6338, especially if the other Tahoe remedies fail.

Jim Burns, a Resources Agency specialist on Lake Tahoe and the Tahoe basin, says that public pressure may increase for a National Scenic Area bill if the Burton-Santini bill proves ineffective. There may also be a court challenge by environmentalists to the process giving a local agency — TRPA — veto power over federal action.

But the pressure to develop will also increase, especially if the climate in Washington is more congenial for private interests at the lake. The trend toward "modest" solutions to Tahoe's problems is already apparent, according to envrionmentalists. "I've never seen as many born-again saviors of Lake Tahoe as I have over the past three months," says Bruner of the League to Save Lake Tahoe. "These are the people responsible for the terrible decisions of the past decade. With the Congress starting to take up the National Scenic Area bill, they all of a sudden rushed to embrace the TRPA, which they have been suing and kicking around for the past 10 years as some Communist plot to steal their property. Now they love it. We'll see how long that love affair lasts."

(For a Washington perspective on the Lake Tahoe issue, see Leo Rennert's column, page 35.)

Newsmakers

The long count

A recount changed the outcome of the election in the 26th Assembly District, giving Democrat **Patrick Johnston** of Stockton an apparent 35-vote victory over Republican **Adrian Fondse**, who had already been sworn into office. Johnston, former aide to state Senator John Garamendi, was expected to be sworn into office on January 5th despite legal challenges by Fondse. Johnston's victory will boost the Democratic margin in the Assembly to 48-32 and give Speaker Willie Brown an additional supporter in his party caucus. The recount gave Johnston 42,616 votes, compared to 42,581 for Fondse. The original count put the Republican ahead by 15 votes.

The Assembly Rules Committee, newly empowered to assign all bills to committee, will consist of Democrats **Louis J. Papan**, chairman, **Herschel Rosenthal, Art Agnos, Larry Kapiloff** and **Maxine Waters**, and Republicans **Bill Lancaster, Stan Statham, Dick Mountjoy** and **Pat Nolan** . . . The State Fair Political Practices Commission levied fines for campaign-reporting violations on two Republican state senators, **Ollie Speraw** ($1,500) and **Dan O'Keefe** ($1,000) . . . Former Assemblywoman **Leona Egeland** of San Jose was appointed chief deputy director of the Department of Health Services by Governor Brown at a salary of $42,000 a year . . . **Ronald Doctor**, the last of the five original members of the state Energy Commission, resigned to head a solar-energy center, Western Sun.

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Why recreational skiers are entering the political arena

By JUDY GREEN

CARL MUECKE

When autumn turns chilly, alpine skiers start tuning up their bodies and equipment for the coming season in the Sierra. But this winter some skiers have more on their minds than cruising through fresh powder. They're exercising their recently developed political muscle in a continuing quest for more and better ski areas.

What's motivating these usually fun-seeking athletes? High-priced lift tickets, long lift lines, traffic jams, crowded slopes, the loss of Mineral King as a potential ski area and the struggle with environmentalists over wilderness designations of still more potential ski areas. Along the way the skiers have recruited some powerful and unexpected allies.

When Kirkwood Meadows at Carson Pass opened in 1972, no ski enthusiast imagined that it would be the last new resort in California. So far, it is. Yet from that time to now, the number of skiers in the state has grown by about 10 percent a year, to more than 1 million in 1980.

In Southern California, the majority of weekend skiers head for Mammoth Mountain, an eight-hour drive from the Los Angeles basin. There a skier may pay $17 for a lift ticket and then wait up to 45 minutes for a ride. On peak days Mammoth serves more than 14,000 skiers; one day last winter it reported 19,000. Smaller areas closer to the Los Angeles basin, such as Snow Summit, operate on a reserved-ticket basis through Ticketron. When the snow is decent, such areas are sold out before the weekend.

Although there are twice as many skiers in Northern California, they rarely experience such extreme crowding because they have many resorts with consistent snow. However, they do wait in long lift lines and pay high prices. Squaw Valley's lift ticket is $18 this winter. Northern California skiers may also have to endure longer lift lines as LA skiers begin to fly to Reno and South Lake Tahoe for weekend sport.

Judy Green is the editor of the Sacramento Bee's *Out and About Section.*

Getting worse

What troubles skiers most is that the crowding is bound to get worse. They point to the gradual losses, over the past 16 years, of many potential ski slopes that have been moved into designed wilderness areas. Of the 20 million acres of national forest land in California, only 17,000 acres are allocated to skiing (not counting resorts on private land, such as Squaw Valley, Northstar and Donner Ski Ranch). According to Zane Smith, U.S. Forest Service regional forester in California, those 17,000 acres represents one ten-thousandth of national forest land. And about 80 percent of the state's ski areas are on it.

If the controversial proposal to develop Mineral King had been approved, it would have given skiers in the LA basin a new resort — one nearly as large as Mammoth — within a four-hour drive. The Forest Service originally proposed developing this High Sierra back country in 1949, long before Disney Productions, Incorporated, submitted its winning proposal in 1965. In June of 1969, after the Forest Service had accepted Disney's master plan, the Sierra Club filed suit to obtain a preliminary injunction against work on Mineral King.

While the environmentalists were successfully opposing that proposal, they were teaching skiers a lesson in power politics. The result: a small but militant coalition of skiers, the ski industry and other groups with interests in the future of public lands.

It was during the nine-year legal and political struggle over Mineral King that skiers began writing letters to con-

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gressmen and testifying at legislative hearings. Leading them was the 45,000-member Far West Ski Association (FWSA) and Bob Jordan, the ski club's first public affairs director. When the battle moved from the courts to Congress in April 1978, the Ski Industries of America donated $25,000 to the FWSA for its fight to keep the area out of the national park system. SIA represents the multimillion-dollar businesses in the manufacture and sale of everything that has to do with skiing, from gloves to snowplows.

That money, plus an anonymous donation of $25,000, funded skiers' lobbying in Washington and financed a grassroots political organization in Fresno. At the height of the fight for Mineral King, FWSA's current public affairs director, Nancy Ingalsbee, visited 70 senators in addition to Senator Alan Cranston. In 1978, the same year that Mineral King was voted into the national park system, seven other potential ski areas in Southern California were placed in the Golden Trout Wilderness. After the Mineral King vote, FWSA tried prying San Gorgonio out of its wilderness status, but that effort now seems nearly dead.

Learning from defeat

Yet skiers have learned from their defeats. They now believe that they must match their opponents' techniques by learning who, when and how to lobby; how to organize telegram and letter campaigns; how to use political action groups, precinct work and legal defense funds; how to create coalitions with outside groups for testifying at state and federal hearings on pending legislation; and how to cultivate the media.

Skiers in California still have a long way to go in matching the strength and financial clout of environmentalists, but they have made progress. And, according to Ingalsbee, the mood in California and in Congress is swinging toward development.

About two years ago Ingalsbee created Action Skiers, a FWSA-based political action group. When skiers join, they get the names, addresses and phone numbers of their representatives in Washington, plus guidelines on effective communication. Most of the 500 skiers who first signed up lived in Republican Congressman Robert Dornan's district on the Los Angeles coast. Now, with membership approaching 700, Action Skiers has members in several other Southern California districts and in Fresno, plus a few from seven other states.

Several California congressmen are well aware of the skiers' growing political punch. When Democrat John Krebs of Fresno helped usher Mineral King into the national park with his Omnibus Park Bill, skiers mobilized to work for his defeat. FWSA organized carpools from Los Angeles to get volunteers to walk Fresno precincts for Krebs' opponent, Charles (Chip) Pashayan, a young Republican who doesn't ski but who openly supports skier interests. Krebs lost. In order to back other pro-ski candidates, the FWSA formed a national political action committee last May under National Outdoor Coalition attorney Ted Garrish. Skiers were asked to donate the price of a lift ticket; about $600 was shared with sympathetic candidates in the November campaign.

Along with donations, FWSA offered a list of its favored candidates and its opponents. The two congressmen FWSA targeted for defeat were Democrat James Lloyd of Ontario, who favored designating as wilderness the 600 acres of potential ski terrain on the back side of Mount Baldy, and Democrat Jerry Patterson of Santa Ana, an outspoken opponent of Mineral King development. Lloyd lost, Patterson won.

Banding together

Although Mineral King was the issue that mobilized skiers, it was a massive federal survey of public lands and designations of wilderness areas that brought other interest groups into an alliance with skiers. During the preliminary stages of the Roadless Area and Review Evaluation II (RARE II) process, Far West urged skiers to push for multiple use for any land near an existing ski area. The multiple-use angle was stressed to give skiers a stronger bond with other public-land users.

In January 1979 the Forest Service completed its RARE II inventory of all open federal land in the country, about 62 million acres. Ten percent of that land is in California. None of the potential ski areas was designated for wilderness, so initially skiers were content. The RARE II recommendations, sent to Congress in May 1979, had this tally for California: 899,231 acres (69 areas) for wilderness; 2,528,989 acres (176 areas) for multiple use; and 2,648,418 acres (118 areas) for further study.

Governor Brown's administration, especially Resources Secretary Huey Johnson, objected to the survey's release of 2.6 million acres for multiple use and filed suit in July 1979 to block RARE II. The suit charged the Forest Service acted illegally in preparing its environmental impact statement and challenged almost 1 million of the 2.4 million acres of roadless land that the Forest Service recommended for exclusion from wilderness. The controversy continues today, with skiers working hard to win their slice and environmentalists demanding more protection for wilderness areas. From the moment the Forest Service made RARE II public, legislators and special interests jumped into the fray over the designations of public land. The California delegation split sharply between development-skier interests and the environmentalist forces. For developers, the goal was passage of the California Wilderness Act of 1979 (HR 5586), offered by Congressman Harold (Bizz) Johnson. The bill basically supported the final RARE II recommendations with one major difference involving Mount Shasta. Johnson eliminated 630 acres from wilderness there, saying it was needed for development of a ski resort. For environmentalists, the goal was HR 5578, sponsored by Congressman Phil Burton of San Francisco, which called for designating 5 million acres as wilderness. The two bills marked the battle lines.

Burton's bill, which would have put virtually all available ski terrain under wilderness protection, caused skiers to team up with some unexpected allies: the American Timber Association, the Motorcycle Industry, the California Association of 4-Wheel Drive Clubs, the California Cattlemen's Association, the California Mining Association, rockhounds, power companies and recreational vehicle clubs. Early in 1979 about 30 such groups formed the Public Lands Coalition, representing about 300,000 persons.

Then, one year ago, U.S. District Judge Lawrence Karlton ruled that the Brown Administration suit had merit, and he issued an injunction to block any commercial development of the land involved. That quickened pressure on the legislative process. One summer morning Ingalsbee's phone rang, and she heard Congressman Burton calling from Washington. Senator Cranston had convinced him to talk to the opposition. After nearly an hour Burton invited Ingalsbee to Washington to present her case.

With maps and facts, Ingalsbee illustrated the skiers' shrinking space. Afterward Burton took all but one potential ski area out of designated wilderness in a compromise bill worked out with Johnson — HR 7702. The compromise contained close to what skiers wanted in "release language," a block to legal challenges to development of land that has been declared non-wilderness. Only the expansion of Mount Baldy (a top priority for FWSA) is included in the new bill's wilderness areas. Cranston promised skiers he would slice those 600 acres out when the bill reached the Senate, and HR 7702 passed the House in August.

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But the compromise failed to please timber interests because it nearly doubles the amount of wilderness within the national forest in California, adding 53 acres to make a total of 2.1 million new acres of wilderness. Also, the bill adds 1.4 million acres of wilderness to Yosemite and Sequoia-Kings Canyon National Park. As Congress wound down, the compromise appeared doomed.

Skiers are aware that public sentiment is swinging away from environmentalists and that the compromise bill might have a better chance in the next session. But after 30 months of lobbying the issue, they are getting impatient. They have had much less success in Sacramento, dealing with the Brown Administration and Resources Secretary Johnson. In January 1979 Ingalsbee met with Johnson, Cranston and regional forester Smith to work out guidelines for area development and expansion. According to Ingalsbee, the meeting was cordial, the agreement to facilitate growth was mutual — but nothing happened.

Beyond the skiers and their political awakening lies the larger issue of development and conservation. That involves builders and timber interests, energy and water-power issues, agriculture and recreation. Before RARE II, few congressmen had heard of skiers' demands for more space. Now there are few who haven't. But the land-use decisions Congress faces will affect millions of persons who never have strapped on a ski or stood in a lift line.

Skiers' goals for '81:

What are skiers talking about when they say they want more space? In 1981, their goal will be to expand existing areas. Other slopes that could have been developed — Mineral King, San Gorgonio, Moses Maggie — are already locked into wilderness designations. And the chances of new areas being developed — such as Independence Lake north of Lake Tahoe — are slim because of inflation, lengthy permit processes and the inevitable environmental objections.

Here is a rundown on the projects being promoted by the Far West Ski Association:

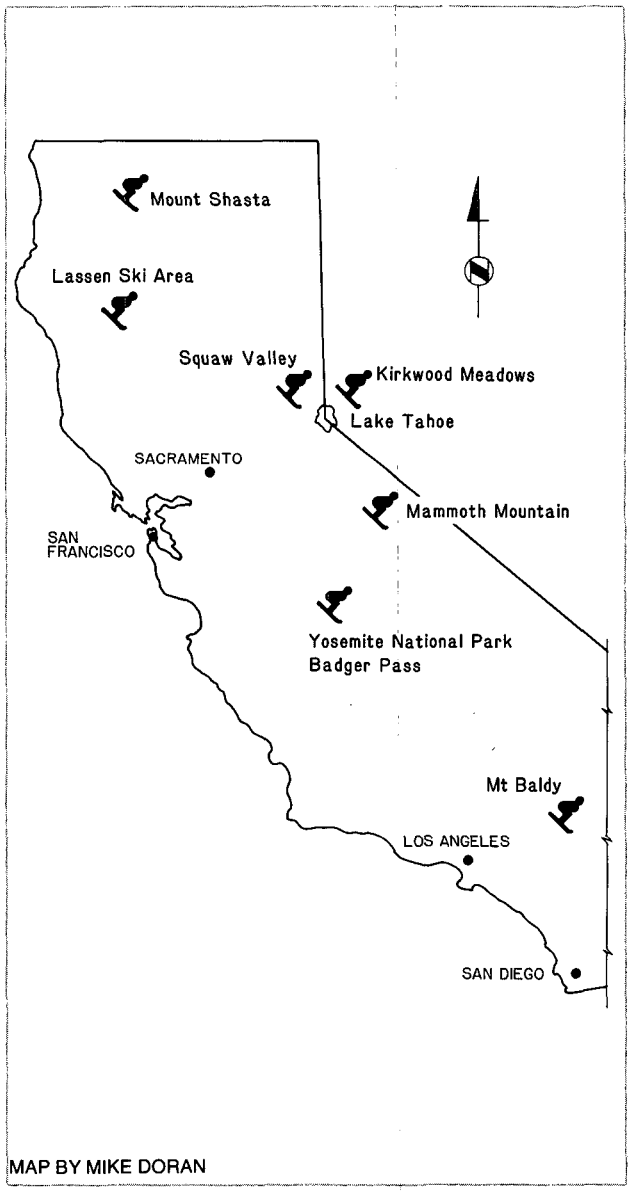
Mammoth Mountain Ski Area — Expansion plans for this east Sierra resort are not in danger, as a result of heavy lobbying by skiers and compromises in the RARE II legislation. The four-stage master plan calls for developing more lodging in the town of Mammoth Lakes, development of the San Joaquin Ridge connection between Mammoth and June Mountain and possibly Sherwin Bowl and Red's Meadow. The latter is least likely.

Mount Baldy — An existing ski area in Southern California, Mt. Baldy is near the Sheep Mountain Wilderness. Skiers want 600 acres of the roadless area next to Baldy for multiple use — and eventual expansion of the resort. At the moment, that 600 acres is included in the 44,600 acres of wilderness, at the insistence of former Congressman James Lloyd of Covina, Senator Cranston has said he will pry that loose when the bill is taken up in the Senate.

Mount Shasta — An avalanche in 1977 knocked out the area's main chairlift and it has been closed since, leaving skiers in the area with either Lassen Ski Area or Mount Ashland in Oregon. Mount Shasta has always had problems with too much snow, whiteouts and avalanches. Area skiers want to move the resort to a lower, more protected area. Preservationists claim such a move would wipe out a stand of virgin redwoods. The compromise bill worked out by Burton allows for relocation.

Lassen Ski Area, Lassen National Park — Skiers are watching to protect the existing area, which state Resources Secretary Johnson has suggested moving south to Carter Bowl-Butte Mountain area of Plumas County. Skiers feel that once skiing is allowed to shut down at Lassen, no new area will be allowed to develop. The National Park System, which no longer insists on removing the ski area in Lassen, is resisting expansion of the present facilities.

Yosemite National Park, Badger Pass — Conservationists have pressured the park service to eliminate Badger Pass from the park. Skiers want the the area to remain.



MAP BY MIKE DORAN

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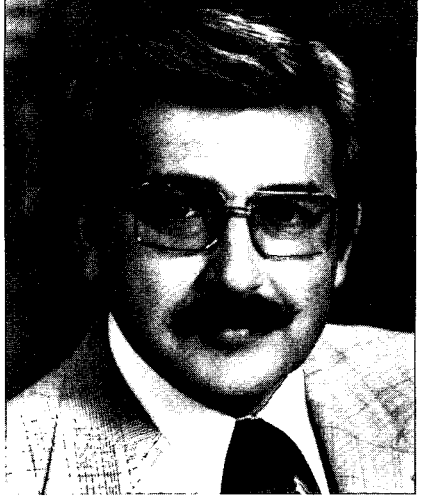

The image of state employees

By CHARLES P. VALDES

Next month, the California State Employees' Association celebrates its 50th anniversary. We look back with pride on the significant milestones we have achieved to improve the working life of state employees and to help enhance the service which state government provides to our citizens. But it is also a time for reflecting on a disturbing change in the public's perception of state employees and other government workers.

During the past half-century, CSEA has worked hard to win for state employees the same treatment which private-sector employees receive in terms of compensation and working conditions. CSEA's founders secured voter approval in 1930 to create the Public Employees' Retirement System which stands today as one of the soundest in the nation. We also established the merit civil service system to hire and promote state employees on the basis of competence rather than on whom they know in high places.

In fact it's widely recognized that virtually every benefit which state employees enjoy has been won by CSEA — from the 40-hour workweek to state-paid health coverage, from maternity leave to allowances for required work clothing.

Yet the current public perception of government employees has taken some of the shine off these achievements. But worse, it has led to an undeserved low sense of self-worth among many state employees. State employees are proud to work for the people of California, and in earlier years the people were proud of them. State employees built our freeways and the State Water Project, developed our parks and beaches, and began numerous innovative programs to help people.

But in the last decade or so, this all turned sour It has become widely fashionable to attack big government. The policies which come under fire are the work of a few politicians and top state officials. Yet many of these same officials feed the negative public sentiment with their actions and their words — even with astonishing public statements criticizing their own employees.

This anti-government sentiment has taken a serious toll on hundreds of thousands of other human beings — public employees who run the programs which the taxpayers and decision-makers initiate. The public reaction to these rank-and-file employees is sometimes openly hostile, other times displayed through subtle words of contempt. All told, the psychological impact is enormous. These employees are doing the work which various segments of the public demand, yet they are resented and often hated for it.

This attitude emerges in the bitter words of Howard Jarvis: In a letter to the editor blasting one public employee for driving a sports car. In a corporate newsletter spreading a lie that state employees are paid 73 percent more than private industry. In a radio disc jockey's on-the-air reference to state employees as "flakes, dippos and weasels."

News reporters gleefully dig up dirt on government employees, but rarely on workers in the private sector. Detractors rail on about waste and inefficiency in government, yet fail to mention that this occurs to the same or greater extent in private industry.

More and more these days, state employees make this sad confession to CSEA: It's gotten so bad that they no longer want their neighbors, their friends, anyone to know they are state employees. But in reality they want to tell this to the public: "Hey, we're not different. We live next to you. Our kids play and go to school together. We're involved in the same community projects. We're in Little League, the PTA and Scouts together. We pay the same taxes as you do. We do the same kind of work you do. We live and love, and hope and hurt as you do. Please treat us as one of you."

In the midst of this depressing situation, it has become apparent that there are some outside unions that have decided to capitalize on the low morale of state employees and satiate their hunger for dues money.

Looking to collective bargaining elections in which state employees will choose CSEA or those other unions, their siren-song propaganda has already begun.

Join us, they say, and we'll make your life better. But where they've said this in other times and other places, their record is dismal. Employees have even voted for them, just to vote them out the next time around. Their approach now is to attack CSEA because they know it is the strongest, most effective, largest and oldest union representing state employees. But this doesn't attack the problem.

So let's look at some initial solutions. For starters, much of the attitude about public employees is learned from the news media's portrayal of these employees. Reporters should stop treating public employees with disdain. They should stop describing them with such slanted, hackneyed words as "bureaucrats."

And how about publicizing some of the good things state employees do? Such as the 81,000 efficiency suggestions they have made on their own, resulting in more than $17 million in first-year savings to California's taxpayers — savings which continue indefinitely. Howard Jarvis won't tell you about this.

CSEA's message is straightforward: Despite the tough fiscal times facing us, your state and university employees will continue to serve California with the highest level of concern and efficiency. But for this, they deserve not second-class citizenship but public recognition of their dignity and worth.

Charles P. Valdes is the president of the California State Employees Association.

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Ruth Rushen's top goal: more jobs for prisoners

By DELIA M. RIOS

To the Legislature, the state Department of Corrections is a Neanderthal bureaucracy. To conservatives, the prison system is run by a bunch of knee-jerk liberals. To liberals, the department is concerned more with warehousing than rehabilitation. To prisoner groups, the department is insensitive to overcrowding and deprivation of basic human rights. The reconciliation of these diverse views, while trying to impose her own philosophy on the department, is the delicate task ahead for Ruth Rushen, 55, the new head of the state prison system.

PHOTO BY DEBORAH GOLDSTEIN

Rushen is the first woman and the first black to oversee the state prison-parole system, which includes 12 major institutions, 19 minimum-security camps and a total prison population of 23,500. Her experience in corrections — largely probation-related — began in 1956 as a deputy officer with the Los Angeles Probation Department. Some of Rushen's critics say her experience is inadequate because she did not climb the ranks within the corrections department. But Rushen doesn't agree: "It's not like I just got off the turnip truck. I've been in the field of corrections for about 25 years. I spent five years on the parole board, and was in and out of institutions every day. This was a unique opportunity for observation. I heard hundreds of cases that have given me good insight into the corrections department."

Rushen's appointment last spring was overshadowed by two widely publicized incidents. Former director Jerry Enomoto, a career corrections officer, declined to resign when Governor Brown asked him to do so. A court had to confirm the legality of his removal before Enomoto would leave. Following the stir of Enomoto's disputed departure, Rushen faced Senate confirmation hearings which resurrected a politically sensitive issue from her term on the Adult Parole Board: Barely a month into her new job as a member of the board, she and another parole officer recommended a 1976 parole date for William Archie Fain. Fain was serving time for a 1967 crime spree of murder, kidnapping and rape in Stanislaus County. The issue is still a local political hot potato.

The Fain case was a signal to some senators that Rushen was not tough enough for the job. For the past four years, since the enactment of the determinate-sentencing law, punishment is the official purpose of the prison system. Prior to that, felons were imprisoned until considered rehabilitated, and judges were given a great deal of leeway in granting probation. The new tough-on-crime attitude does not coincide with the lenient decision by Rushen in the Fain case.

Although Rushen admitted that she committed an error of judgment based on insufficient information, opposition to Rushen's confirmation was primarily triggered by her actions in this matter. The most vocal opposition came from Stanislaus County, where the Fain crimes occurred. State Senator John Garamendi was one of Rushen's more vocal opponents. "The head of corrections needs to be a very tough-minded individual with good administrative abilities," Garamendi said. "I question her capabilities on that basis. Heading the prison system is one of the toughest jobs in state government. Her decision in the Fain case indicates to me that she may not possess those abilities."

Another Rushen opponent, conservative state Senator Bill Richardson, is also critical of her philosophical bent. "I say this with a deep sense of sadness, but the Department of Corrections is the pits. It's an animal farm. The prisons are essentially a housing agency with an electronic pacifier called TV. Ruth Rushen is one in a long line of bleeding-heart liberals; she's not going to be hard-hearted Hannah."

Moving a bureaucracy

Rushen convinced the Senate Rules Committee that it isn't necessary to scream and curse to be tough. Michael Ullman, consultant to the Assembly Criminal Justice Committee, reports that Rushen's no-nonsense manner has made a positive impression on lawmakers. "The skepticism," he adds, "lies in whether she will be able to move a bureaucracy that has been there hundreds of years."

So far Rushen has received good reviews from her employees. The California Probation and Parole Correctional Association (CPPCA), which endorsed her confirmation, is impressed with her community involvement and openness.

Delia M. Rios prepared this article as a Journal *intern from the Sacramento Semester Program of Sacramento State University.*

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Briefings held on the re-classification of inmates, according to the security risks they present, are one example, according to Tim Fitzharris of the CPPCA. "Ruth Rushen invited a wide variety of people to those briefings," Fitzharris says. And Jeff Thompson of the California Correctional Officers Association agrees: "She's like a breath of fresh air to employees. The person on the line appreciates a straightforward approach."

If indeed this is a honeymoon period for Rushen, it soon may end. Her correctional philosophy may not be welcomed by a conservative electorate. She is insistent that the public take a close look at the prison system and become involved with it. "I want to open the department up to let the community see what's in it," she says. "We won't be defensive about our shortcomings because we do have some. I don't believe in separating the responsibility. We have to say to the public, 'These are your people from your cities, your schools, your churches. How do you want them when they return?' "

But Rushen is realistic about resistance to her emphasis on community correctional facilities. "Conservatives tend to resist by saying, 'Lock them up and throw away the key,' " she says. "Liberals might agree on the program's merits, but they prefer to see such facilities in someone else's neighborhood."

The decisions ahead

Yet major decisions on crime-and-punishment issues must be made soon. Bart Blackburn of the Seventh Step Foundation, an organization of ex-offenders which aids newly released felons, believes overcrowding and boredom are potentially explosive problems in the prisons. "The rage in New Mexico was a sign," Blackburn says. "California prisons are a powder keg."

One option is to build more prisons. Last September, Governor Brown signed a bill authorizing working drawings for two 500-bed institutions to be built at Tehachapi by 1985. The first step in a proposed $1 billion prison-building plan, the Tahachapi facilities cannot meet the immediate problem of expanding prison rolls and overcrowded conditions. During Rushen's confirmation hearings, she spoke of building a Southern California prison, close to prisoners' families and possible work opportunities, and of a future women's prison in Northern California. The problem will be how to convince voters to pay for increased correctional facilities.

Other, less conventional programs are preferred by opponents to prison construction. "There are 12 failure factories already, and they're screaming for more prisons," Blackburn says. "The focus should be on community-based reentry programs."

Already under way is a department experiment that could lead to major changes in the correctional system. Using computers, department officials are re-classifying inmates according to information on the level of security risk each presents. If the computer system's final results are consistent with its initial analysis, 46 percent of California's prison population could be placed in minimum-security facilities. Substantial cuts in the proposed $1 billion construction program could be the result, if enough inmates are re-classified as candidates for lower-cost prison camps or minimum-security facilities.

Jobs and objections

But Rushen is also advocating a larger, more controversial step: expansion of inmate employment opportunities. She believes that a majority of inmates share common problems in their idleness and boredom, and that these conditions are major causes of prison violence.

"We have to really look at how we want to play percentages," Rushen says. "If we want law-abiding inmates, we need to look at things that law-abiding people do. That calls for a habit of working, and many of our people don't have this habit. You can't say to a person, 'We'll take you into the institution and we'll tell you when to get up in the morning, what to do, when to eat, when to go to bed.' You can't dictate their lives this way and then one day turn around and say, 'You make the important decisions now that you're out.' "

Of the 23,500 men and women in prison, about 4,500 inmates are paid for doing maintenance jobs; 2,500 work for correctional industries; and 1,200 are in work camps. Inmates are paid at a maximum rate of 35 cents an hour, although the average rate is 22 cents per hour. There is a modest "correctional industries" program with two elements, agriculture and manufacturing. But produced goods can only be sold to state, county and municipal government agencies.

Now Rushen and others would like to consider a free-venture program which would involve private industry in prisoner employment. Under such a program, prisoners might receive minimum wages, but their incomes would be used in part to pay the state for room and board and to help support families and/or victims.

A major roadblock in the implementation of a free-venture plan is the 100-year-old provision in the state constitution which prohibits contracting inmate labor out to private industry. In 1978, former Assemblyman Mike Gage of Napa introduced proposals which would have allowed private industry into prisons for purposes of training and non-marginal employment opportunities. International Business Machines, Packard-Bell and the California Manufacturers Association were interested in participating in such a program. Gage's plan died in the Senate Industrial Relations Committee, the result of heavy lobbying by organized labor. Last June, another constitutional amendment which would have allowed private industries to open plants in state prisons was blocked by an unusual coalition of Senate conservatives and labor interests.

This legislative inaction may be just the first of many frustrations for the new prison director. She faces an enormous challenge bringing about progressive reforms in a hostile political climate.

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The rising cost of justice, compliments of Proposition 13

By DENA COCHRAN

The long arm of Proposition 13 has reached out and snagged users of California's justice system. The cost of everything from a wedding license to a drunk-driving test is shooting up. During the Legislature's last session, 11 bills were passed which increased existing court-related fees or created new ones. The California courts, like other governmental agencies, are searching for budget-stretchers to counteract rising costs and Proposition 13 revenue limitations. But the effect on the average litigant will be prompt and painful.

The most comprehensive court-related measure passed by the Legislature last session was AB 2361 (Frazee), which allows county supervisors to raise civil filing fees in the state's superior, municipal and justice courts. Some of the fees had not been increased for more than 20 years. Some little-used fees will be reduced or eliminated under the provisions of the bill, but the majority of court-related filing fees will go up, with additional costs far exceeding savings.

Among those fees to be increased:

- **The costs of filing** civil complaints or answers, filing petitions, probates or requests for changes of venue — from $1.50 to $12 in municipal court.
- **The cost of** the necessary notice of appeal of a verdict to a higher court — from $23.50 to $38.
- **An additional** $2.50 for each legal paper served by municipal court marshals.
- **Starting in 1983,** automatic biennial increases on all affected fees will be tied to the Consumer Price Index, with a 3 percent cap on increases.

AB 2361 was lobbied through the Legislature by the County Supervisors Association of California (CSAC), the County Clerks Association, and the Municipal Court Clerks Association. Los Angeles County alone expects the fee increases to bring in more than $10 million next year. Los Angeles Chief Administrative Officer Harry Hufford admits that the Los Angeles supervisors would have been unable to balance their 1980-81 budget if it had not been for the anticipated new court-fee revenues.

Another bill establishing similar fee increases in small claims court was narrowly defeated in the Legislature last session, partly because many county officials considered the increases too small. Under the terms of that bill — SB 1806 (Marks) — small-claims filing fees would have risen from $2 to $4 and municipal courts having three or more judges would have been required to hold one evening or weekend session each month. CSAC, which opposed the bill, has recommended that small-claims filing fees be raised to $15 or $18, and a similar measure is expected to be introduced this year.

Transcripts and marriage licenses

Other justice-system charges are also rising:

AB 1226 (Mello) permits county boards of supervisors to raise county law library fee limits from $7 to $12.

AB 1017 (Alatorre) will allow court reporters to raise from 45 to 60 cents per 100 words the amount they charge for an original copy of the official court transcripts they prepare. (Most county governments were opposed to this increase, which CSAC estimates will cost county government close to $1 million per year. Cost to private attorneys and litigants will also be significant.)

Two bills raised the cost of getting married and divorced. SB 1246 raised marriage license fees from $10 to $18 to help finance emergency shelter projects, which are usually set up for battered women. SB 961 (Sieroty) boosted the cost of a license still another $5 — to $23 — along with fees for petitions and filings for divorces and child-custody matters. The $5 increase will finance family conciliation courts, a part of the superior-court system designed to handle domestic and child-custody disputes to reduce court loads. Both measures

Dena Cochran is a free-lance writer in Visalia.

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reflect a growing trend to tie social programs, especially non-mandated ones, to related user fees and fines.

Three bills will levy new or increased surcharges on drunk and reckless driving convictions and certain drug-offense convictions. SB 1429 (Presley) increases the $25 surcharge on drunk-driving convictions to $35; the additional $10 will fund the blood-alcohol tests to determine if suspected drivers are really intoxicated. AB 2086 (Statham) will cause the minimum fines for drunk and reckless driving convictions to rise by $70. Of that increase, $50 is slated for county alcohol programs and the remaining $20 may be spent at local discretion. SB 1535 (Presley) provides for a new $50 surcharge on specified drug offenses, to subsidize drug tests in criminal laboratories.

The trend toward tying fees to programs will benefit Los Angeles and San Francisco in a big way. They won a bill allowing them to levy a surcharge on all criminal fines and traffic violations in their areas and to use the revenue to build new courts. SB 1408, authored by a group of senators, provides that for the next 20 years an extra dollar will be tacked onto the cost of every parking ticket, $2 onto every traffic ticket, and $5 onto every criminal filing in the county of Los Angeles and the city of San Francisco. Los Angeles County officials are confident that the $77.5 million they expect to raise from the surcharges over the next two decades will be sufficient to build the new courtrooms they need in the San Fernando Valley. But in San Francisco the $60 million projected earnings are expected to fall short of the amount needed to build a new courthouse. "I guess the guys who drew up the bill never realized how expensive it is to build anything in San Francisco," lamented one city official. Nevertheless this technique for funding capital improvements is being eyed with interest by other counties, including Alameda, Orange and San Mateo.

The rising costs of doing business have prompted county justice systems to seek new fees in other areas. Under the terms of AB 3323 (Bergeson), the courts may require persons placed on probation to pay the costs of their probation supervision. Payments will be based on the probationer's ability to pay and may not exceed the actual cost of probation.

A similar bill, SB 1477 (Cusanovich), allows counties to charge prisoners who opt for weekend-alternative programs (rather than straight jail time) to pay for the county's administrative costs. As in the probation bill, the charges will be based on the prisoner's ability to pay and cannot exceed actual county costs. Because administrative costs are higher for prisoners who serve their sentences in segments and because weekenders are usually maintaining a job and therefore are able to pay, the weekend-alternative program was a logical extension of the post-Proposition 13 user-fee boom.

Justice system fees are likely to rise even higher as Proposition 13's real impact hits in the next year or two. Increases in fines tied to programs — such as the drunk-driving surcharges — will be politically feasible during coming sessions. So will be higher charges for probationers and county-jail weekenders.

New revenues from justice-system fines and fees may make it possible to continue such non-mandated programs as battered-women's shelters and alcohol-rehabilitation centers — services which might otherwise be the budget-cutters' first targets. But the average Californian is going to find it more expensive to use the justice system for any reason, and some persons may be priced out of the market.

"They used to come in here and dig through their pockets to find enough money for a marriage license when it was only $10," says an employee in the Tulare County clerk's office. "Now it's going to be $23, and I don't know what's going to happen. I guess they'll just have to dig deeper."

For more information on Proposition 13

Issues of ***Tax Revolt Digest*** (published by the **California Journal** from November 1978 to October 1979)

The 18 issues of the **Digest** provide a wealth of material on every aspect of the tax-revolt phenomenon in California and across the nation. Each issue contains material on how California has responded to the Jarvis-Gann initiative and how other states coped with the domino effect of Proposition 13. Complete sets of the **Tax Revolt Digest** are available at $15 each.

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May 1979 — **"Facts of Life after Prop. 13"**
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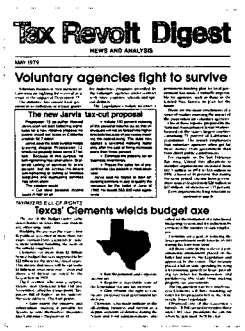
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The campaign to reform the workers' compensation laws

GRACE MATEU

By JULIE ANDERSON

J. Anthony Kline left a major piece of unfinished business behind in Sacramento a few weeks ago when he was sworn into office as a Superior Court judge in San Francisco. As Governor Brown's legal-affairs secretary, Kline had established as his top-priority legislative goal complete reform of the state's $3.4-billion-a-year workers' compensation system. But he departed before the job was completed — if indeed such a monumental task can ever be accomplished.

In essence, workers' compensation is a no-fault system designed to pay Californians for job-related injuries. The objectives are to keep as many cases as possible out of the court system and to employ an equitable, expeditious and inexpensive procedure that will return the injured employee to the labor market in the shortest possible time. According to Kline and Don Vial, the Brown Administration's director of industrial relations, the system is hardly working up to standards. Vial says that the system now relies on the legal profession instead of an efficient administrative organization. Among the complaints are low benefits, high insurance premiums, unnecessary lawsuits and the filing of deceptive reports by "medical prostitutes."

Julie Anderson is a free-lance writer in Sacramento.

Kline feels the Brown Administration might have been successful last year had the Assembly not been paralyzed by the speakership contest between Howard Berman and Leo McCarthy. Now that Kline is gone and can view the situation with a bit less emotion, he feels it will take Vial and his allies a year or two to resolve the complex issue. Kline says that the large employers and the insurance companies have enough legislative power to block any bill but that they are not necessarily the major stumbling blocks. "The lawyers and doctors are ripping off the system," he declares, and it is difficult to get legislators to vote against them in an election year.

Look at the parties involved in the workers' compensation system: employers, who want low premiums; employees, who want improved benefits; insurance companies, who want profits from premiums; doctors and lawyers, who want top dollar for their professional services.

According to Robert T. Monagan, president of the California Manufacturers Association, high workers' compensation insurance premiums are a major contributing factor to the state's poor business climate. Companies see what premiums they will have to pay in the state, and they are discouraged from investing in new plants in California, he says.

Employer groups contend that their costs have been adversely affected by an increasingly liberal view of liability. Courts are favoring injured workers more and more in the

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interpretation of medical reports. On the other hand, the Brown Administration supports the labor view that benefits are far too low.

Over the years a strong employer-insurer coalition has blocked any reform legislation. The result has been an effort by employees to circumvent low benefits through the use of specialist attorneys. Edward Levy, general manager of the Association of California Insurance Companies and a former legislative consultant, sums up the current state of the system this way: "a game in which doctors, applicants' attorneys and lawyers for insurers try to outdo each other with inventive characterizations of a worker's injuries." This is precisely what the system was designed to avoid.

Vial has been attempting to bring about changes for at least five years. He feels that in the early years he used the wrong strategy: In addition to being unable to agree on anything, the parties were offended at being approached with Vial's "preconceived ideas" of how to improve the system. Last year, Vial decided to try a new approach. He and Alan Stein, then secretary of Business and Transportation, asked Kline to take a leadership role and attempt to arrange successful negotiations. Kline decided to approach labor and insurance interests first and then try to broaden the base.

Labor and insurance representatives agreed to participate. An initial bargaining group was established — Charles Scully, general counsel for the California Labor Federation (AFL-CIO); Alan Tebb, general manager of the California Workers' Compensation Institute, and Franklin Grady, administrator of the division of industrial accidents of the Department of Industrial Relations. Kline also asked Lowell Airola, past president of the California Applicants' Attorneys Association, to attend. However, Airola was not representing attorneys but rather offering advice on the issues involved. After the initial compromise was drafted, Kline brought others into the discussions.

Kline feels these negotiations accomplished a great deal. At the very least, the antagonists talked to each other. And a variety of reforms were packaged in a bill (SB 375) by state Senator Bill Greene. Some of the main elements of that bill: There would be increases in temporary- and total-disability payments as well as in the death benefit. A committee would be established to propose changes in permanent partial-disability payments. New roles would be established for doctors, lawyers and the Disability Evaluation Bureau (DEB).

The package was far from popular with all the warriors on the workers'-comp battlefield. Monagan was upset because the Manufacturers Association was left out of the first round of negotiations. Lawyers also felt neglected. The Greene bill was opposed by several local labor groups, the specialist attorneys, the California Trial Lawyers Association, Monagan's organization, doctors and some workers' compensation judges. The manufacturers wanted their liability reduced and would prefer to see increased benefits phased in over several years.

Attorney opposition focused on the role given the Disability Evaluation Bureau, the fee system for attorney compensation and the fact that no immediate increases were proposed for one class of injured worker. Don Green, advocate for the applicant attorneys, claims that the expanded role of the DEB would deny an injured worker representation by a lawyer from the outset and could even prevent a victim from employing counsel in disputed cases.

The proposed fee system would restrict compensation to lawyers in two ways. First, the attorney would have to be successful in getting an increase in the award. Secondly, the fee would be based only on the increase rather than on the total payment. Attorneys feel that the time spent on a case should be considered, as should the total of the award.

Green feels that permanent partial-disability (PPD) payments should be increased immediately, primarily because they have remained stagnant for eight years. Kline feels that the main purpose of the system is to help those with temporary disabilities get through the healing process. If benefits are to be increased for the PPD category, he adds, they should be decreased for those with temporary disabilities.

The attorneys and employers agree that the Greene bill would be a boon to the insurance companies. The reason: A backlog would develop in the settling of cases, and the delay may pressure injured workers to settle and receive less money. The bill did not make it mandatory for any savings to be passed on to those who pay the premiums, the employers.

These are the kinds of issues that have made it impossible for a major reform package to clear the Legislature in recent years. Lawmakers apparently want to pass a bill. It is clear that all the parties cannot be satisfied. At some point, a coalition might be put together with enough muscle to override the wishes of some of the parties. Whatever the outcome, it is clear that the doctors and lawyers are on the defensive and it will take a monumental administration effort to win agreement from enough of the other participants to bring about an agreement, especially one that will increase the cost of workers' compensation insurance.

Whatever else might be said about Tony Kline, he didn't try to pick a cherry before bowing out of the Brown Administration.

Four of the issues

Here is an outline of some of the issues in the workers' compensation controversy:

Attorney involvement. Two years ago, the cost of litigating an average case was more than $2,000. Attorneys' fees accounted for over 60 percent of the direct cost of litigation. The total expense of litigation was about $250 million in 1978. Don Green, advocate for applicant attorneys, contends that the current system guarantees an adversary relationship. "An injured worker is pitted against a sophisticated person (claims adjuster) who knows the workers' compensation law." Therefore, Green contends the worker needs a lawyer with equal expertise to insure just compensation.

Cumulative injury. How much liability should an employer bear for an injury which results in physical or mental trauma extending over a period of time (ulcers and high blood pressure, for example)? Where can the line be drawn between injuries that are truly job-connected and those that result from other factors, such as age, smoking or family difficulties? Unless this problem is resolved, can a fair system be established?

Poor delivery. There is considerable agreement that the administrative arrangement for providing financial and medical benefits to an injured worker can stand considerable improvement.

Rating structure. There is now no formal rating system for partial permanent-disability cases. (A rating is used to determine the percentage of disability upon which an award is based.) Informal ratings are now issued, but they are not binding. If the parties disagree, litigation commences. Proposals have been made to change the rating system so that litigation may be reduced and so that payments may be made sooner. Proponents hope that a new rating system will help workers understand the system so that they will file for benefits without employing attorneys.

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ROSTRUM

Howard Jarvis responds

I would comment on your November 1980 article, "California's Future Under Proposition 13" by Maureen S. Fitzgerald.

First, 13 did not, as you wrote, legitimize rent control in California. Rent controls have been enacted in many cities in the United States where no 13 has been adopted. In fact, if 13 had not passed, rents would be higher than they are now, even in cities where rent control has been enacted, simply because without 13 the property tax would have increased greatly.

Second, the statement "The residential sector is assuming an ever-greater portion of the property tax burden because homes are sold more often than business parcels," implying the cause to be 13, is basically wrong. The ratio of sales of homes to business parcels sold has gone down since 13, not up, for the simple reason that many owners of homes before 13 were forced to sell because owners could not pay the taxes. This situation does not prevail since 13.

Your definition of unequal taxation after 13, implying that before 13 the property tax on similar properties was equal, is wrong. It varied many times as much before 13 as it does now.

Your statistical story that "an individual buying a new home will soon be paying the same amount of taxes as he or she would have paid before 13" is wrong. Before 13 the amount of property tax on market value (a sale) was between 3 percent and 4 percent. Under 13 it is 1 percent. Before 13, market values, determined by assessors, whether a property sold or not, were raised as much as 100 percent per year. Under 13, market value can only be legally raised 2 percent per year.

The implication that the Legislature could or should "interpret" 13 or any constitutional provision is ludicrous. Even the Congress of the United States has no power to interpret the Constitution of the United States: Constitutional provisions are designed and intended to supersede legislators and all elected bodies.

Your own statistical chart shows the property taxes in California have gone up in California since 13, 14.2 percent in 1977-78, 9.4 percent in 1978-79, 13.8 percent in 1979-80 and will reach 17.8 percent in 1981. These raises equal the inflation rate. What your chart does not show is where these raises came from. In addition to the 2 percent permitted annual market value raise on all property, much of the increase comes from the extensive building of new commercial and business buildings to service the economy buildup caused substantially by the passage of Proposition 13. Over the state the building of homes and rental units is very low.

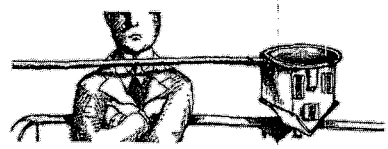
While the state tax revenue after 13 is still above the average for the rest of the states, California is in the top group of state spending. If the state is so short of money, how is it that Governor Brown's new spending budget for 1981 is $3 billion higher than last year, up from $21 billion to $24 billion, which breaks down to $8 million a day more?

Your article confirms my contention that 13 has not really curtailed any necessary state or local government service thus far, as most politicians claim.

Unlimited taxation is the goal of most politicians, bureaucrats and public employee unions, a goal that would destroy our economic system as well as the middle class which is now the working class in the United States. It is from this working-middle class that we get work, creativity, initiative, self reliance, commitment, responsibility and dependence on the people rather than elected politicians.

It is in this spirit that 13 was enacted.

HOWARD JARVIS



Growth in Santa Barbara

The residential growth curb story in your December issue was the best statewide wrapup of the situation I have seen, and the kind of extensive examination of an issue that fills a real need.

However, errors inevitably crop up when dealing with many cities. In Santa Barbara's case, population is not "limited to 90,000." The fact is that an environmentally oriented City Council rezoned the city in the mid-1970s, lowering allowed density through the zoning ordinance. The idea was that the city should zone itself according to its natural resources — water particularly. Under that zoning, the experts estimate that if the city was built out to its maximum, population would be roughly 85,000. (The 1980 census put the population at 74,810, and growth has been about .6 percent a year in the last decade.)

In 1977, voters did endorse the zoning law by almost 63 percent. They also, by almost the same margin, said they wanted to be asked for their approval of any future changes that would raise the population above the 85,000 theoretical lid. But both measures were advisory only — not binding.

Also, the .9 percent growth rate for Santa Barbara mentioned elsewhere actually is a proposal by a county supervisor. It would regulate housing construction in the unincorporated areas of Goleta-Isla Vista, Montecito and the Carpinteria Valley outside the city of Santa Barbara. It is not law — just a pending proposal.

The article is correct that Santa Barbara voters rejected state water importation — but so did voters in every other area of the county, since it was a countywide measure not limited to the city.

Not mentioned but of some interest was the 1973 vote in the Goleta-Isla Vista area covering about 70,000 people that imposed a moratorium on new water-sewer hookups. Housing growth there came to an abrupt halt and it's that way to this day, except for a few projects using well water.

JERRY RANKIN
Santa Barbara News-Press

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By Leo Rennert

Burton's half-loaf

Before passing into history, the Carter White House and the Democrat-controlled 96th Congress put together a fragile package of protection measures to keep Lake Tahoe from being swamped by excessive development. For months, both sides of Pennsylvania Avenue resounded with high-minded rhetoric about the unique beauty of the mile-high lake on the California-Nevada border. There were copious expressions of self-congratulation and heady predictions that, this time around, actions had been taken that really might make a difference in "saving" Tahoe.

AS USUAL, RHETORIC OUTRAN performance. The Tahoe protection campaign represented one of the last major efforts to use federal power on the environmental front before the advent of a Reagan Administration that is expected to tone down such initiatives. Its sponsors knew it was a last-gasp move to marshal federal authority and federal money to tackle ecological damage tolerated — and sometimes abetted — by local officials. Once again, San Francisco Representative Phillip Burton proved his mettle as a superb tactician in pushing through legislation in a politically hostile atmosphere. But even Burton's considerable talents could not overcome the fact that the environmental movement is running out of steam. In the end, Washington delivered a half-loaf solution that may not be able to check the enormous overdevelopment and pollution pressures that threaten Tahoe.

The new federal package includes several basic elements which share one common thread — their long-term efficacy is a matter of complete conjecture. President Carter, making good on a political promise before the California primary, issued an order instructing federal agencies to stop subsidizing development that could harm the lake. If vigorously implemented, the Carter directive could halt the flow of federal mortgage guarantees for new residential construction and block use of federal dollars for highways, airport facilities and sewage-treatment plants — the basic infrastructure that has fed runaway growth at Tahoe. While Washington has provided millions of dollars over the last 10 to 20 years to put more lands in the basin into public ownership, it probably has spent an equal amount to foster economic development. Carter said he wanted to put an end to such contradictory policies and expenditures at the federal level. However, as he packs his bags for Georgia, the question mark left hanging over his Tahoe directive is whether Reagan, under pressure from development interests, will be tempted to scrap it. The new administration also could try to finesse the issue by keeping the Carter directive on the books but reducing its impact with lukewarm enforcement.

On Capitol Hill, before the final adjournment gavels fell, Congress ratified a new compact hammered out by California and Nevada with the expressed aim of strengthening the environmental protection role of the bi-state Tahoe Regional Planning Agency. For the last 10 years, TRPA has come under strong fire from environmentalists who charged that it was making a habit of caving in to casino operators and developers. Congress bought the argument that a revamped TRPA, with firmer direction from Sacramento and Carson City, should be entrusted to call basic land-use shots in the basin. For want of better options, environmentalists went along and gave the new TRPA their blessing. Privately, they're not very optimistic about its ability to hold off the bulldozers.

Finally, there is the real centerpiece of the new federal strategy for Tahoe — a something-for-everybody bill by Burton and Nevada Congressman Jim Santini. After more than a year of intensive negotiations, they surfaced with a bill that had some irresistible appeal to diverse interests on both sides of the lake. The measure provided more than $150 million for federal acquisition of "environmentally sensitive" lands in the basin. In its original form, it also gave the U.S. Forest Service important authority, including land-condemnation powers, to influence land-use decisions around the lake. To raise the money for Tahoe land purchases, the Burton-Santini measure allows sales to private developers of up to 10,000 acres of valuable federal lands near Las Vegas, including several tracts adjoining the Vegas Strip. It was an ingenious tradeoff — a concession to the Sagebrush Rebellion through the opening of federal lands around Las Vegas in exchange for a greater measure of protection for Tahoe.

HOWEVER, IT DIDN'T quite work out that way. The Burton-Santini bill immediately encountered heavy flack from local-government officials and development interests. After sailing easily through the House, it ran into delaying tactics by Senator Paul Laxalt of Nevada. As a powerful figure in the Reagan entourage, Laxalt was playing with potent political chips, and he began whittling away at the bill. California Senator Alan Cranston put up some resistance — but not much. Unlike Burton, who made Tahoe a top-priority item, Cranston brushed off the bill as "basically a Nevada issue." Before final passage, Laxalt and Nevada Senator Howard Cannon managed to give TRPA a veto power over federal land condemnations around the lake. Republican Senator S. I. Hayakawa of California joined them in diluting the bill. Federal land-use authority was stripped away. It was a clear victory for "local control." TRPA remains in the driver's seat. Washington's role is reduced to providing the necessary cash to bail out Tahoe landowners stuck with tracts on which they can't build and to correct mistakes that can be laid at TRPA doorstep. What began as a land-planning and protection bill emerged as a revenue-sharing measure. Nevada lawmakers grabbed the money and ran. An unhappy Burton, left with no maneuvering room, went along. As the adjournment clock ticked away, the bill was sent to the White House.

Most press reports proclaimed another "victory" for Tahoe. Almost everybody found something to cheer about. In coping with man-made threats, the lake gained some time. But not much.

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